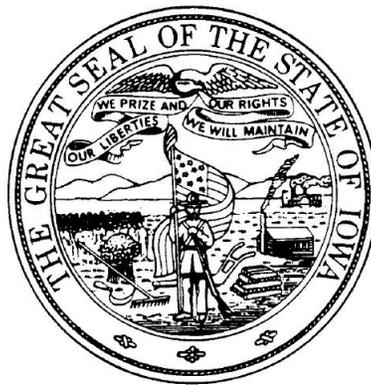


*State of Iowa*

**Iowa**  
**Administrative**  
**Code**  
**Supplement**

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ADMINISTRATIVE CODE EDITOR

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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

# INSTRUCTIONS

## FOR UPDATING THE

# IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

### **Engineering and Land Surveying Examining Board[193C]**

Replace Chapter 1

Replace Chapters 4 and 5

### **Education Department[281]**

Replace Analysis

Replace Chapter 21

Replace Chapter 32

### **Labor Services Division[875]**

Replace Chapter 71



## CHAPTER 1 ADMINISTRATION

IAC Supp. 8/14/85

[Rules 1.5 to 1.13 were either rescinded or renumbered and new rules added, see IAB 8/14/85]

[Prior to 6/1/88, see Engineering and Land Surveying Examiners, Board of [390] Ch 1]

[Rules 1.10 to 1.29 were amended and transferred to 193C—Chapter 4, IAC Supplement 11/27/91]

**193C—1.1(542B) General statement.** The practices of engineering and land surveying affect the life, health, and property of the people in Iowa. The engineering and land surveying examining board's principal mandate is the protection of the public interest.

**1.1(1) Administration.** Administration of the board has not been separated into panels, divisions, or departments. While the expertise of a board member may be called upon to frame special examinations and evaluate applications for licensing in a specialized engineering branch, the board functions in a unified capacity on all matters that may come before it. The board maintains an office at 1920 S.E. Hulsizer Road, Ankeny, Iowa 50021, and requests or submissions may be directed to the secretary of the board at that location.

**1.1(2) Meetings.** Regular meetings of the board are held in Ankeny, Iowa. Information concerning the location and dates for meetings may be obtained from the board's office at 1920 S.E. Hulsizer Road, Ankeny, Iowa 50021, or by telephoning (515)281-4126.

**1.1(3) Examinations.** The board currently administers licensing examinations twice each year. Information concerning the location and dates for examinations may be obtained from the board's office at the address provided in 1.1(2).

**193C—1.2(542B) Definitions.** For the purposes of these rules, the following definitions shall apply:

*"Accredited"* means a program accredited by the Accreditation Board for Engineering Technology, Inc. (ABET) or the Canadian Engineering Accreditation Board (CEAB) or another accrediting body accepted by the National Council of Examiners for Engineering and Surveying (NCEES).

*"Board"* means the engineering and land surveying examining board provided by chapter 542B of the Iowa Code.

*"Design coordination,"* as used in the definition of the practice of engineering, includes the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer.

*"Engineering documents"* includes all plans, specifications, drawings, and reports (including supporting calculations), if the preparation of such documents constitutes or requires the practice of engineering.

*"Engineering survey,"* as used in the definition of the practice of engineering, includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but excludes the survey of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land system.

*"Engineer intern"* means a person who passes an examination in the fundamental engineering subjects, but does not entitle the person to claim to be a professional engineer.

*"In responsible charge"* means having direct control of and personal supervision over any land surveying work or work involving the practice of engineering. One or more persons, jointly or severally, may be in responsible charge.

*"Land surveying documents"* includes all plats, maps, surveys, and reports, if the preparation thereof constitutes or requires the practice of land surveying.

*"Practice of engineering"* means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.

1. Engineering services include:
  - Consultation, investigation, evaluation, planning, and design;

- Design coordination of engineering works and systems;
- Planning the use of natural resources such as land, water and air;
- Performing engineering surveys, calculations, and studies; and
- Review of construction for the purpose of monitoring compliance with drawings and specifications.

2. The practice of engineering includes:

- Such services or creative work as listed above, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products of a mechanical, electrical, hydraulic, pneumatic, or thermal nature insofar as they involve safeguarding life, health, or property;
- Such other professional services as may be necessary to the planning, progress, and completion of the services identified in this definition;
- Environmental engineering activities which may be involved in developing plans, reports, or actions to remediate an environmentally hazardous site;
- Design of fixturing devices for manufacturing machinery that must be performed by a licensed professional engineer or under the responsible charge and direct supervision of a professional engineer unless performed within the industrial exemption by a full-time employee of a corporation which constructs the fixtures.

3. Activities that the board will construe as the practice of engineering for which the board may by order impose a civil penalty upon a person who is not licensed as a professional engineer are set out in Iowa Code section 542B.27.

*“Practice of land surveying”* includes providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location of property lines or boundaries and the utilization, development, and interpretation of these facts into an orderly survey, plat, or map.

1. The practice of land surveying includes, but is not limited to, the following:

- Locating, relocating, establishing, reestablishing, setting, or resetting of permanent monumentation for any property line or boundary of any tract or parcel of land. Setting permanent monuments constitutes an improvement to real property.
- Making any survey for the division or subdivision of any tract or parcel of land.
- Determination, by the use of the principles of land surveying, of the position for any permanent survey monument or reference point, or setting, resetting, or replacing any survey monument or reference point excluding the responsibility of engineers pursuant to Iowa Code section 314.8.
- Creating and writing metes and bounds descriptions as defined in Iowa Code section 354.2.
- Geodetic surveying for determination of the size and shape of the earth both horizontally and vertically for the precise positioning of permanent land survey monuments on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.
- Creation, preparation, or modification of electronic or computerized data, including land information systems and geographical information systems, relative to the performance of the activities listed above.

2. Activities that the board will construe as the practice of land surveying and for which the board may by order impose a civil penalty upon a person who is not licensed as a professional land surveyor are set out in Iowa Code section 542B.27.

*“Professional engineer”* means a person, who, by reason of the person’s knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education or practical experience, is qualified to engage in the practice of engineering.

*“Professional land surveyor”* means a person who engages in the practice of land surveying as defined in this rule.

*“Written,”* when used to describe an examination, shall mean a computer-based format.

[ARC 0362C, IAB 10/3/12, effective 11/7/12; ARC 0684C, IAB 4/17/13, effective 5/22/13]

**193C—1.3(542B) Declaratory orders.** The board's rules regarding declaratory orders can be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 10.

**193C—1.4(542B) Waivers and variances.**

**1.4(1)** The board's rules regarding waivers and variances can be found in the uniform rules for the division of professional licensing and regulation at 193—Chapter 5.

**1.4(2)** Interim rulings. The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver or variance when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

*a.* The executive secretary shall, upon receipt of a petition meeting all applicable criteria established in 193—Chapter 5, present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

*b.* The chairperson or vice chairperson shall reserve the right to hold an electronic meeting of the board when:

(1) Board precedent does not clearly resolve the request and the input of the board is deemed required; and

(2) The practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

*c.* A waiver report shall be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

*d.* This subrule on interim rulings does not apply if the waiver or variance was filed in a contested case.

**193C—1.5(542B) Licensed professional engineers and building construction.**

**1.5(1) Purpose.** This rule is intended to provide guidance to licensed professional engineers, other design professionals, unlicensed persons engaged in various aspects of building construction, building officials, owners, and others on when the services of a licensed professional engineer are required or may not be required in connection with new building construction and alterations to existing structures.

**1.5(2) General guidelines.** Given the wide range of buildings covered by this rule and the unique issues which may arise with respect to specific buildings, it is not possible to establish definitive criteria which will universally resolve when building construction or alterations will or will not implicate the practice of professional engineering, as defined in Iowa Code sections 542B.2(8) and 542B.27(1). For example, while the construction of a single-family residence would not generally require the services of a licensed professional engineer, unique or unconventional features of a particular site or design may necessitate complex structural calculations or other services which fall within the definition of professional engineering. As a result, this rule should be interpreted as providing only general guidelines on when a licensed professional engineer is required or may not be required.

**1.5(3) Applicability.** The board will consider the guidelines provided in this rule when enforcing Iowa Code chapter 542B, including when determining whether an unlicensed person has engaged in the practice of professional engineering. This rule is not intended to constrain building officials or other public officials in their enforcement of other laws, rules, regulations or ordinances. A building code official, for example, may require that certain documents be prepared by a licensed professional engineer or that certain construction inspections be performed by a licensed professional engineer whether or not the guidelines in this rule would so require. This rule only addresses the practice of professional engineering and does not address the practice of architecture. Similar guidelines with respect to the practice of architecture may be found at 193B—Chapter 5.

**1.5(4) Definitions.** The definitions set forth in 193B—5.1(544A) shall apply to this rule.

**1.5(5) Guidelines for new construction.** The following matrix describes by building type and use when the services of a licensed professional engineer are required or may not be required in connection with new building construction:

<b>BUILDINGS NEW CONSTRUCTION</b>			
<b>Building Use Type</b>	<b>Description</b>	<b>Engineer Required</b>	<b>Engineer May Not Be Required</b>
Agricultural Use	Facilities for private use only and individually owned and operated facilities including grain elevators and feed mills		X
	Corporate-owned facilities or publicly owned facilities including grain elevators and feed mills	X	
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet in gross floor area	X	
	More than two stories in height	X	
Detached Residential Use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	
	Outbuildings in connection with detached residential buildings		X
Educational Use		X	
Governmental Use	When the occupancy is of another building use type listed herein, those provisions shall apply	X	
Industrial Use		X	
Institutional Use		X	
Light Industrial Use			X
Places of assembly		X	
Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	
Factory-Built Buildings	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

**1.5(6) Guidelines for alterations to existing buildings.** The following matrix describes by alteration type when the services of a licensed professional engineer are required or may not be required in connection with alterations to existing buildings:

<b>ALTERATIONS TO EXISTING BUILDINGS</b>				
<b>Alteration Type</b>	<b>Description</b>		<b>Engineer Required</b>	<b>Engineer May Not Be Required</b>
Structural alterations to exempt buildings under Iowa Code section 544A.18	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
Structural alterations to buildings that are not exempt	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X	
Nonstructural alteration	Which does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns			X
	Which maintains the previous type of use			X
Nonstructural alteration which changes the use of the building from any other use to:	A place of assembly of people or public gathering		X	
	Governmental use		X	
	Educational use		X	
	Hazardous use		X	
	A place of residence exempted	and is one, two or three stories in height and contains not more than 12 family dwelling units		X
	A place of residence not exempted otherwise	and is more than three stories in height	X	
and containing more than 12 family dwelling units		X		
Nonstructural alterations which change the use of the building from industrial or warehouse to:	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X
		and is one story in height and greater than 10,000 square feet in gross floor area	X	
		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X
		and is two stories in height and greater than 6,000 square feet in gross floor area	X	
		and is more than two stories in height	X	
		and is greater than 10,000 square feet of gross floor area	X	

<b>ALTERATIONS TO EXISTING BUILDINGS</b>				
<b>Alteration Type</b>	<b>Description</b>		<b>Engineer Required</b>	<b>Engineer May Not Be Required</b>
Nonstructural alterations to:	Agricultural Use	Including grain elevators and feed mills		X
	Churches and Accessory Building Uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
		Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
		Two stories in height, greater than 6,000 square feet in gross floor area	X	
		More than two stories in height	X	
	Detached Residential Buildings	One, two or three stories in height, containing 12 or fewer family dwelling units		X
		More than 12 family dwelling units	X	
		More than three stories in height	X	
		Outbuildings in connection with detached residential buildings		X
	Educational Use		X	
	Governmental Use	When the occupancy is of another building use type listed herein, those provisions shall apply	X	
	Industrial Use		X	
	Institutional Use		X	
	Light Industrial Use			X
	Places of Assembly		X	
	Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
One story in height, greater than 10,000 square feet in gross floor area		X		
More than one story in height		X		
Factory-Built Buildings	One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X	
	One or two stories in height, greater than 20,000 square feet in gross floor area	X		
	More than two stories in height	X		
	More than 20,000 square feet in gross floor area	X		

**1.5(7)** *Architectural exceptions do not apply.* The statutory exemptions in Iowa Code section 544A.18 do not apply to the practice of engineering. The construction of a building that falls within an exception in Iowa Code section 544A.18 may require the services of an engineer if, for example: (a) there are structural elements which do not fall within building code definitions of conventional light frame construction, (b) the use of certain structural materials, members or components requires special inspections by engineers, or (c) HVAC, plumbing or electrical systems exceed certain building code standards. However, the matrix guidelines in this rule are generally compatible with the exceptions in Iowa Code section 544A.18 because the construction of buildings that fall outside the exceptions in Iowa Code section 544A.18 generally does implicate the practice of professional engineering in such disciplines as structural, electrical or mechanical engineering. The construction of buildings that fall within one of the exceptions described in Iowa Code section 544A.18 would not typically require the services of a licensed professional engineer, but may require those services in specific circumstances.

These rules are intended to implement Iowa Code sections 17A.9A, 542B.2 and 542B.3.

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3/8/61, 6/14/61, 3/14/62, 5/8/69]

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[Filed ARC 0684C (Notice ARC 0530C, IAB 12/12/12), IAB 4/17/13, effective 5/22/13]

<sup>1</sup> Effective date of subrule 1.3(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 11, 1996; delay lifted by this Committee at its meeting held May 14, 1996, effective May 15, 1996.

CHAPTER 4  
ENGINEERING LICENSURE  
[Prior to 11/14/01, see 193C—1.4(542B)]

**193C—4.1(542B) Requirements for licensure by examination.** The specific requirements for initial licensing in Iowa are established in Iowa Code section 542B.14, and it is the board's intention to issue initial licensure only when those requirements are satisfied chronologically as set forth in the statute.

**4.1(1)** First, the applicant for initial licensure in Iowa must satisfy the educational requirements as follows:

*a.* Graduation from an engineering program of four years or more.

(1) If an applicant did not graduate from an Accreditation Board of Engineering and Technology/Engineering Accreditation Commission (ABET/EAC) or Canadian Engineering Accreditation Board (CEAB) approved curriculum, the applicant must also complete, in addition to the engineering degree, a year of practical experience satisfactory to the board after receiving the engineering degree and prior to taking the Fundamentals of Engineering examination.

(2) An engineering technology curriculum does not constitute an engineering program of four years or more.

*b.* If an applicant obtained an associate of science degree or a more advanced degree between July 1, 1983, and June 30, 1988, the board shall only require satisfactory completion of a minimum of two years of postsecondary study in mathematics, physical sciences, engineering technology, or engineering at an institution approved by the board and six years of practical experience which, in the opinion of the board, is of satisfactory character to properly prepare the applicant for the Fundamentals of Engineering examination. (Applicants qualifying under this subrule must successfully complete the Fundamentals of Engineering examination by June 30, 2001.)

**4.1(2)** Second, the applicant must successfully complete the Fundamentals of Engineering examination.

*a.* An applicant may take the Fundamentals of Engineering examination anytime after the educational requirements as specified above are completed, but the applicant must successfully complete the Fundamental of Engineering examination prior to taking the Principles and Practice of Engineering examination.

*b.* College seniors studying an ABET/EAC or CEAB approved curriculum may take the Fundamentals of Engineering examination during the final academic year. Applicants will be permitted to take the examination during the testing period which most closely precedes anticipated graduation. However, an official transcript from the applicant's college or university verifying that the applicant graduated must be sent by the registrar to the board office before an applicant's examination results will be released.

*c.* An applicant who graduated from a satisfactory engineering program and has 25 years or more of work experience satisfactory to the board shall not be required to take the Fundamentals of Engineering examination.

*d.* An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, shall not be required to take the Fundamentals of Engineering examination.

**4.1(3)** Third, the applicant must successfully complete the Principles and Practice of Engineering examination.

*a.* To qualify to take this examination, the applicant must present a record of four years or more of practical experience in engineering work which is of a character satisfactory to the board. This experience must have been obtained after the receipt of the qualifying education and prior to the application due date for the examination.

*b.* An applicant for the Principles and Practice of Engineering examination shall have a minimum of one year of practical experience in the United States of America or a territory under its jurisdiction.

**4.1(4)** Work project description. An applicant for initial licensure as a professional engineer must include with the application a work project statement of approximately 200 words describing a significant project on which the applicant worked closely during the previous 12 months. The board will review all work project statements and will only approve those that include all of the components listed below in paragraphs “a” through “d” and meet the criteria listed in paragraph “e.”

a. The statement shall describe the applicant’s degree of responsibility for the project.  
b. The statement shall identify the project’s owner and its location.  
c. The statement shall include the name of the supervisor in charge of the project and, if the supervisor is a professional engineer, the license number of the supervisor.

d. The statement shall be signed and dated.  
e. Criteria the board shall use in evaluating the acceptability of the project as qualifying experience for the applicant shall include, but not be limited to, the following:

- (1) The degree to which the project and the experience described have progressed from assignments typical of initial assignments to those more nearly expected of a licensed professional;
- (2) The scope and quality of the professional tutelage experienced by the applicant;
- (3) The technical decisions required of the applicant in the project; and
- (4) The professional decisions required of the applicant.

The board reserves the right to contact the employer and the person providing tutelage on the project for information about the project experience presented to the applicant.

**4.1(5)** References. References are required for any applicant who must meet an experience requirement prior to taking an examination.

a. An applicant for the Principles and Practice of Engineering examination shall submit five references on forms provided by the board.

(1) At least three of the five references shall be from licensed professional engineers.  
(2) At least one reference shall be from a supervisor. If the applicant has had more than one supervisor, at least two of the references shall be from a supervisor of the applicant. An applicant shall submit supervisor references to verify at least four years of qualifying experience.

(3) If an applicant has had professional experience under more than one employer, the applicant shall provide references from individuals with knowledge of the work performed under a minimum of two employers.

(4) The board reserves the right to contact references, supervisors, or employers for information about the applicant’s professional experience and competence or to request additional references.

(5) All licensed professional engineers who submit references for an applicant shall be sufficiently familiar with the applicant’s work product to formulate credible opinions on the applicant’s capacity to assume responsible charge of professional engineering works and services.

(6) At least one of the licensed professional engineers who provides references for the applicant shall have provided professional tutelage in the course of a mentoring relationship on such matters as technical skills; professional development; the exercise of professional judgment, ethics, and standards in the application of engineering principles and in the review of such matters by others; and the professional obligations of assuming responsible charge of professional engineering works and services.

(7) Applicants who have not been supervised by a licensed professional engineer for at least four years of qualifying experience shall submit one or more references to verify tutelage by unlicensed supervisors, as provided in paragraph 4.1(7) “a.”

(8) The board uses references partially as a means of verifying an applicant’s record of experience. The applicant must distribute a reference form to individuals who are asked to submit references for the applicant. To each reference form, the applicant shall attach a copy of the portion of the applicant’s experience record that is being addressed by the referring individual.

b. An applicant for the Fundamentals of Engineering examination whose engineering degree is not from an ABET/EAC or CEAB accredited engineering program must provide a reference from a supervisor on a form provided by the board.

**4.1(6)** Education and experience requirements. The board will require the minimum number of years set forth on the following chart before an applicant will be permitted to take either the Fundamentals of

Engineering or the Principles and Practice of Engineering examination. Column 1 indicates the years of practical experience required prior to the Fundamentals of Engineering examination in addition to the completion of the required educational level. To determine the total years of practical experience required prior to taking the Principles and Practice of Engineering examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR EXAMINATION APPLICANTS		
If the applicant's educational level is:	1 The applicant must have the following additional years of experience prior to taking the Fundamentals of Engineering examination:	2* The applicant must have the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
A 4-year bachelor's degree in an accredited engineering program	0	4
A 4-year bachelor's degree in mathematics or physical sciences plus a master's degree* in engineering	0	4
A 4-year bachelor's degree in technology or architecture plus a master's degree* in engineering	0	4
A 4-year bachelor's degree in engineering from a nonaccredited engineering program	1	4
A 4-year bachelor's degree in engineering from a nonaccredited engineering program plus a master's degree* in engineering	0	4

\*For purposes of this subrule, an applicant's master's degree in engineering must be from an institution in the United States of America with an accredited bachelor's degree in the same curriculum, and the master's degree candidate must be required to fulfill the requirements for the bachelor's degree in the same area of specialization.

**4.1(7)** Practical experience requirements. Practical engineering experience is required prior to licensing. The purpose of this requirement is to ensure that the applicant has acquired the professional judgment, capacity and competence to design engineering works, structures, and systems. The following criteria will be considered by the board in determining whether an applicant's experience satisfies the statutory requirements.

*a. Quality.* Qualifying experience shall be supervised and of such quality as to demonstrate that the applicant has developed technical skill and initiative in the correct application of engineering principles. Such experience should demonstrate the applicant's capacity to review the applications of these principles by others and to assume responsibility for engineering work of professional character. To be readily acceptable, an applicant's experience shall be under the tutelage and supervision of a professional engineer. An applicant who is an engineer intern and whose experience was not attained under the supervision of a licensed professional engineer must submit a cover letter to the board requesting consideration of such experience along with the application. The applicant shall also submit on forms provided by the board a reference from the applicant's supervisor(s). The reference shall include an assessment of the applicant's performance, development, integrity, and ability to assume responsible charge and shall contain a description of the supervisor's background in education and experience and the nature of the unlicensed tutelage provided to the applicant. Whether directly supervised by a licensed professional engineer or not, all applicants must have received professional tutelage (instruction, guidance, mentoring, review, and critique) from one or more licensed professional engineers to qualify to take the professional engineering examination. Accordingly, all applicants must submit at least one reference from the licensed professional engineer(s) who provided professional tutelage as described in subparagraph 4.1(5)"a"(6). The board may require the applicant to submit additional letters of reference or other evidence of suitable tutelage and supervision. The board may require an oral interview with the applicant or other evidence to verify the applicant's knowledge

and experience in the principles and practice of engineering. The board may conduct interviews with persons providing tutelage or supervision to the applicant.

*b. Scope.* Experience shall be of sufficient breadth and scope to ensure that the applicant has attained reasonably well-rounded professional competence in a basic engineering field, rather than highly specialized skill in a very narrow and limited field.

*c. Progression.* The record of experience shall indicate successive and continued progress from initial, subprofessional work of simpler character to recent, professional work of greater complexity and a higher degree of responsibility, as well as continued interest and effort on the part of the applicant toward further professional development and advancement. In evaluating this progression, the board will consider both subprofessional and professional activity as reported by the candidate. However, only work experience obtained after receipt of the qualifying degree by the candidate will be considered, except as described in 193C—paragraph 4.1(7)“d.” Subprofessional work includes the time spent in drafting, as an engineering technician or engineering assistant or inspector, or in similar work under direct supervision, including work where the personal responsibility and technical knowledge required are small, that is, minor positions in which the responsibility is slight and the individual performance of a task that has been set and supervised by a supervisor is all that is required. Professional work includes the time during which the applicant was occupied in engineering work of higher grade and responsibility than that defined above as subprofessional work. Time spent in teaching engineering subjects in a college or university at the level of assistant professor or higher may be listed as professional work.

*d. Special work experience.* Work experience prior to graduation from college may be accepted toward satisfaction of professional experience requirements only as follows: Cooperative work programs administered by engineering colleges and verified on the transcript and internships administered by engineering colleges with a verifying reference from the internship supervisor will be considered as half-time credit, with a maximum allowance of 6 months (12 months of cooperative work experience or internship) applicable toward the satisfaction of professional experience requirements. An applicant’s advanced education, military experience, or both will be reviewed in order to determine if they are applicable toward the statutory requirements for experience.

*e. Advanced education.* An applicant who has earned a Master of Science degree that includes research experience, in addition to writing an associated thesis, from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline and has fulfilled the requirements for a Bachelor of Science degree may be granted a maximum of one-half year’s experience credit. An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline may be granted a maximum of one year’s experience credit in addition to the one-half year for the master’s degree.

*f. Teaching experience.* Teaching of engineering subjects at the level of assistant professor or higher in an accredited engineering program may be considered as experience, provided the applicant’s immediate supervisor is a licensed professional engineer in the jurisdiction in which the college or university is located. If the applicant’s immediate supervisor is not a licensed professional engineer, a program of mentoring or peer review by a licensed professional engineer acceptable to the board must be demonstrated. Applicants using teaching or research as experience must have a minimum of four years of acceptable experience in research, industry, or consulting. The board shall consider the complexity of the project(s) presented, the degree of responsibility of the applicant within the project, and other factors the board deems relevant. Academic experience must demonstrate increasing levels of responsibility for the conduct and management of projects involving engineering research, development or application. The board reserves the right to contact employers for information about the applicant’s professional experience and competence.

*g. Joint applications.* Applicants requesting licensure both as a professional engineer and a professional land surveyor must submit a history of professional experience in both fields. Such histories will be considered separately on a case-by-case basis. The board does not grant full credit for concurrent experience in both professions.

**4.1(8)** Required examinations. All examinations are uniform examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES). The board may negotiate an agreement with an examination service to administer the examinations to applicants approved by the board, in which case applicants shall pay examination fees directly to the service.

*a. Fundamentals of Engineering examination (fundamentals examination).* The Fundamentals of Engineering examination is a written examination covering general engineering principles and other subjects commonly taught in accredited engineering programs.

*b. Principles and Practice of Engineering examination (professional examination).* The Principles and Practice of Engineering examination is a written examination designed to determine proficiency and qualification to engage in the practice of professional engineering only in a specific branch. The Principles and Practice of Engineering two-module Structural examination is a written examination designed to determine proficiency and qualification to engage in the practice of structural engineering. A separate examination shall be required for each branch in which licensure is granted. An applicant may obtain a Structural branch license by passing either the Principles and Practice of Engineering Civil (Structural) examination or the Principles and Practice of Engineering two-module Structural examination.

*c. Passing scores.* The board reviews test results for each examination and determines what level shall constitute a minimum passing score for that examination. In making its determination, the board generally is guided by the passing score recommended by the NCEES. The board fixes the passing score for each examination at a level which it concludes is a reasonable indication of minimally acceptable professional competence.

*d. Reexamination.* An applicant who fails an examination may request reexamination at the next examination period without reapplication to the board. If the applicant intends to retake the examination, the applicant must notify the examination service selected by the board to administer the examinations prior to the application due date for the examination.

*e. Failure to appear.* An applicant who fails to appear for an examination may sit for the examination the next time it is offered without reapplication provided the application will not be more than one year old at the time of the application due date for the examination and the applicant notifies the examination service selected by the board to administer the examinations prior to the application due date for the examination.

*f. Materials permitted in examination room.* For security reasons, applicants shall comply with requirements regarding materials permitted in the examination room as issued by the National Council of Examiners for Engineering and Surveying and provided to candidates prior to the examination.

*g. Release of examination results.* Results of any examination shall only be reported as pass or fail except that the candidate who fails an examination may be provided with the candidate's converted score and a diagnostic report indicating areas of weakness, as available.

**4.1(9)** Examination subversion. Any individual who subverts or attempts to subvert the examination process may, at the discretion of the board, have the individual's examination scores declared invalid for the purpose of licensure in Iowa, be barred from engineering licensure and examinations in Iowa, or be subject to the imposition of other sanctions the board deems appropriate.

*a.* Conduct that subverts or attempts to subvert the examination process includes, but is not limited to:

(1) Conduct that violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of the licensing examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(2) Conduct that violates the standards of test administration, such as communicating with any other examination candidate during the administration of the licensing examination; communicating with others outside of the examination site during the administration of the examination; copying answers from another candidate or permitting one's answers to be copied by another candidate during the administration of the examination; or having in one's possession during the administration of the

licensing examination any device or materials that might compromise the security of the examination or examination process, such as calculating and computing devices not on the list of devices approved by the examination provider or provided by the examination provider.

(3) Conduct that violates the examination process, such as falsifying or misrepresenting educational credentials or other information required for admission to the licensing examination or impersonating an examination candidate or having an impersonator take the licensing examination on one's behalf.

*b.* Any examination candidate who wishes to appeal a decision of the board under this subrule may request a contested case hearing. The request for hearing shall be in writing, shall briefly describe the basis for the appeal, and shall be filed in the board's office within 30 days of the date of the board decision that is being appealed. Any hearing requested under this subrule shall be governed by the rules applicable to contested case hearings under 193—Chapter 7.

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**193C—4.2(542B) Requirements for licensure by comity.** A person holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of a jurisdiction or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of Iowa Code section 542B.14 and who has met standards determined by the board to be substantially equivalent to those required of applicants for initial licensure in this state may, upon application, be licensed without further examination. When determining whether the licensing standards satisfied by a comity applicant are substantially equivalent to those required in Iowa, the board considers each of the four licensing prerequisites in Iowa Code section 542B.14(1) individually. The licensing standards satisfied by the comity applicant must accordingly be equal or superior to those required in Iowa for education, fundamentals examination, experience, and professional examination. Unless expressly stated in this chapter, the board will not consider an applicant's superior satisfaction of one licensing prerequisite, such as a higher level of education than is required in Iowa, as resolving an applicant's lack of compliance with another prerequisite, such as professional examination. Comity applicants are governed by the same standards as are required of applicants for initial licensure in Iowa.

**4.2(1) References.** An applicant for licensure by comity shall submit references on forms provided by the board to verify at least four years of satisfactory experience after the receipt of the qualifying degree. This experience must be under the supervision of a licensed professional engineer, or the applicant must provide unlicensed tutelage references verifying at least four years of satisfactory engineering experience, as provided in paragraph 4.1(7) "a." The board reserves the right to contact employers for information about the applicant's professional experience and competence.

**4.2(2) Basis for evaluation of applications.** Applications for licensure by comity will be evaluated on the following basis:

*a.* The applicant's record of education, references, practical experience, and successful completion of approved examinations will be reviewed to determine if it currently satisfies the substantive requirements of Iowa Code section 542B.14. In reviewing the education, references, and practical experience of comity applicants, the board will use the same criteria used by the board to determine the eligibility of a candidate for the Principles and Practice of Engineering examination; or

*b.* The applicant's licensure in a jurisdiction other than Iowa will be reviewed to determine if it was granted only after satisfaction of requirements substantially equivalent to those that are required of applicants for initial licensure in Iowa by Iowa Code section 542B.14.

**4.2(3) Evaluation of comity application process.**

*a.* First, the applicant for licensure by comity from a jurisdiction other than Iowa must meet or exceed the education requirements set forth in Iowa Code section 542B.14. In addition, if the applicant did not graduate from an Accreditation Board of Engineering and Technology (ABET)/Engineering Accreditation Commission (EAC) or Canadian Engineering Accreditation Board (CEAB) approved curriculum, the applicant must have completed a year of practical experience satisfactory to the board. This year of experience must be in addition to the four years of practical experience in engineering work as required in paragraph 4.2(3) "d."

*b.* Second, the applicant must have successfully completed the Fundamentals of Engineering examination.

(1) An applicant who graduated from a satisfactory engineering program and who has 25 years or more of work experience satisfactory to the board shall not be required to take the Fundamentals of Engineering examination.

(2) An applicant who has earned a Doctor of Philosophy degree from an institution in the United States of America with an accredited Bachelor of Science engineering degree program in the same discipline, or a similar doctoral degree in a discipline approved by the board, shall not be required to take the Fundamentals of Engineering examination.

*c.* Third, the applicant must have successfully completed the Principles and Practice of Engineering examination.

*d.* Fourth, the applicant must have a record of four years or more of practical experience in engineering work which is of a character satisfactory to the board. This experience must have been obtained after the receipt of the appropriate education and must meet the requirements for practical experience found at paragraph 4.1(7) “*a.*”

*e.* While the board will consider evidence presented by a comity applicant on non-NCEES examinations successfully completed in a foreign country, the non-NCEES examination will be compared with the appropriate NCEES examination. A non-NCEES professional examination, for instance, must be designed to determine whether a candidate is minimally competent to practice professional engineering in a specific branch of engineering, such as civil, structural, electrical, or mechanical engineering. The examination must be written, objectively graded, verifiable, and developed and validated in accordance with the testing standards of the American Psychological Association or equivalent testing standards. Free-form essays and oral interviews, while valuable for certain purposes, are not equal or superior to NCEES examinations for reasons including the subjective nature of such procedures, lack of verifiable grading standards, and heightened risk of inconsistent treatment.

**4.2(4) Education and experience requirements.**

*a.* For applicants who were originally licensed in a jurisdiction other than Iowa prior to July 1, 1988, the board will employ the following chart to determine if the applicant’s licensure was granted after satisfaction of requirements substantially equivalent to those which were required by Iowa Code section 542B.14 at the time of the applicant’s original licensure. Column 1 indicates the years of practical experience that were required prior to the Fundamentals of Engineering examination in addition to the completion of the required educational level. To determine the total years of practical experience that were required prior to taking the Principles and Practice of Engineering examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who were licensed prior to July 1, 1988		
If the applicant’s educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
No post-high school education	8	4
Postsecondary study in mathematics or physical sciences		
One year	7	4
Two years	6	4
Three years	5	4
Four years	3	4
Four-year BS degree in mathematics or physical sciences plus master’s degree in engineering	0	4

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who were licensed prior to July 1, 1988		
If the applicant's educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
Postsecondary study in engineering technology programs and architecture		
One year	7	4
Two years	5.5	4
Three years	4	4
Four-year degree in a nonaccredited engineering technology program or BA in architecture	2.5	4
Four-year degree in an accredited engineering technology program	2	4
Bachelor of architecture, four years or more	2	4
Four-year degree in engineering technology or architecture plus master's degree in engineering	0	4
Postsecondary study in a nonaccredited engineering program		
One year	7	4
Two years	5	4
Three years	3	4
Four-year BS degree	1	4
Four-year degree in a nonaccredited engineering program plus master's degree in engineering	0	4
Postsecondary study in an accredited engineering program		
Two years	6	4
Three years	3	4
Four-year degree in an accredited engineering program	0	4

*b.* For applicants who were originally licensed in another jurisdiction and who meet the requirements of Iowa Code section 542B.14(1)(a)(3), the board will employ the following chart to determine if the applicant's licensure was granted after satisfaction of requirements substantially equivalent to those which were required by Iowa Code section 542B.14 at the time of the applicant's original licensure. Column 1 indicates the years of practical experience that were required prior to the Fundamentals of Engineering examination in addition to the completion of the required educational level. To determine the total years of practical experience that were required prior to taking the Principles and Practice of Engineering examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who meet the requirements of Iowa Code section 542B.14(1)(a)(3)		
If the applicant's educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Engineering examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Engineering examination:
College or junior college (mathematics or physical sciences)		
Two years	6	4
Three years	5	4
Four-year BS degree	3	4
Four-year BS degree plus master's degree in engineering	0	4
All engineering technology programs and architecture		
Two years	6	4
Three years	5	4
Four-year degree, nonaccredited technology or BA in architecture	3	4
Four-year degree, accredited technology	2	4
Four-year degree or more, bachelor of architecture	2	4
Four-year BS degree, technology or architecture plus master's degree in engineering	0	4
Engineering program, nonaccredited		
Two years	6	4
Three years	3	4
Four-year BS degree	1	4
Four-year BS degree plus master's degree in engineering	0	4
Engineering program, accredited		
Two years	6	4
Three years	3	4
Four-year BS degree	0	4

c. For all other applicants who were originally licensed in a jurisdiction other than Iowa on or after July 1, 1988, the board will employ the chart found at subrule 4.1(6) to determine if the applicant's licensure was granted after satisfaction of requirements substantially equivalent to those which are required by Iowa Code section 542B.14.

d. For purposes of this subrule, an applicant's master's degree in engineering must be from an institution in the United States of America with an accredited bachelor's degree in the same curriculum, and the master's degree candidate must be required to fulfill the requirements for the bachelor's degree in the same area of specialization.

[ARC 7753B, IAB 5/6/09, effective 6/10/09; ARC 9287B, IAB 12/15/10, effective 1/19/11]

**193C—4.3(542B) Requirements for a licensee requesting additional examination.** A person holding an active certificate of licensure to engage in the practice of engineering issued by the state of Iowa may, upon written request and payment of the application and examination fees, take additional examinations in other branches of engineering without submitting a formal application to the board as described for initial or comity licensure.

These rules are intended to implement Iowa Code sections 542B.2, 542B.13, 542B.14, 542B.15, 542B.17 and 542B.20.

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CHAPTER 5  
LAND SURVEYING LICENSURE  
[Prior to 11/14/01, see 193C—1.4(542B)]

**193C—5.1(542B) Requirements for licensure by examination.** The specific requirements for initial licensing in Iowa are established in Iowa Code section 542B.14, and it is the board's intention to issue initial licensure only when those requirements are satisfied chronologically as set forth in the statute.

**5.1(1)** First, the applicant for initial licensure in Iowa must satisfy the education plus experience requirements as follows: graduation from a course of two years or more in mathematics, physical sciences, mapping and surveying, or engineering in a school or college and six years of practical experience, all of which, in the opinion of the board, will properly prepare the applicant for the examination in fundamental land surveying subjects.

*a.* The six-year experience requirement above may be reduced based upon the number of years of the degree program from which the applicant graduated. Refer to the chart at 5.1(6).

*b.* Internet or on-line degrees will only be considered as qualifying degrees if the institution issuing the degree is accredited by a recognized accreditation board.

**5.1(2)** Second, the applicant must successfully complete the Fundamentals of Land Surveying examination.

*a.* The applicant may take the Fundamentals of Land Surveying examination anytime after the education and experience requirements described above are completed, but the applicant must successfully complete the Fundamentals of Land Surveying examination prior to taking the Principles and Practice of Land Surveying examination.

*b.* College seniors studying an Accreditation Board of Engineering and Technology (ABET) or Canadian Engineering Accreditation Board (CEAB) approved curriculum may take the Fundamentals of Land Surveying examination during the final academic year; applicants will be permitted to take the examination during the testing period which most closely precedes anticipated graduation. However, an official transcript from the applicant's college or university verifying that the applicant graduated must be sent by the registrar to the board office before an applicant's examination results will be released.

**5.1(3)** Third, the applicant must successfully complete the Principles and Practice of Land Surveying examination.

*a.* To qualify to take this examination, the applicant must present a record of four years or more of practical experience in land surveying work which is of a character satisfactory to the board. This experience must have been obtained after the receipt of the qualifying education and prior to the application due date for the examination. This practical experience is in addition to the initial experience required prior to taking the Fundamentals of Land Surveying examination.

*b.* An applicant for the Principles and Practice of Land Surveying examination shall have a minimum of one year of practical experience in the United States of America or a territory under its jurisdiction.

**5.1(4)** Work project description. An applicant for initial licensure as a professional land surveyor must include with the application a statement of approximately 200 words describing a significant project on which the applicant worked closely during the last 12 months. The statement shall describe the applicant's degree of responsibility for the project and shall identify the project's owner and its location. The statement shall be signed and dated. Criteria the board shall use in evaluating the acceptability of the project as qualifying experience for the applicant shall include, but not be limited to, the following:

*a.* The degree to which the project and the experience described has progressed from assignments typical of initial assignments to those more nearly expected of a licensed professional;

*b.* The scope and quality of the professional tutelage experienced by the applicant;

*c.* The technical decisions required of the applicant in the project; and

*d.* The professional decisions required of the applicant.

The board reserves the right to contact the employer and the person providing tutelage on the project for information about the project experience presented to the applicant.

**5.1(5) References.** References are required for any applicant that must meet an experience requirement prior to taking an examination.

*a.* An applicant for the Principles and Practice of Land Surveying examination shall submit five references on forms provided by the board.

(1) At least three of the five references shall be from licensed professional land surveyors.

(2) If the applicant has had more than one supervisor, at least two of the references shall be from a supervisor of the applicant.

(3) If an applicant has had professional experience under more than one employer, the applicant shall provide references from individuals with knowledge of the work performed under a minimum of two employers.

(4) The board reserves the right to contact employers for information about the applicant's professional experience and competence or to request additional references.

*b.* An applicant for the Fundamentals of Land Surveying examination must provide three references on forms provided by the board except that: (1) individuals applying with an ABET/EAC or CEAB accredited engineering or surveying and mapping degree with at least six semester hours of surveying or mapping do not have an experience requirement and, therefore, do not need to provide references; and (2) individuals applying with a non-ABET/EAC four-year surveying and mapping degree must submit only one reference.

**5.1(6) Education and experience requirements.** The board will require the minimum number of years set forth on the following chart before an applicant will be permitted to take either the Fundamentals of Land Surveying or the Principles and Practice of Land Surveying examination. Column 1 indicates the years of practical experience required prior to the Fundamentals of Land Surveying examination in addition to the completion of the required educational level. To determine the total years of practical experience required prior to taking the Principles and Practice of Land Surveying examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR EXAMINATION APPLICANTS		
If the applicant's educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Land Surveying examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Land Surveying examination:
A college or technology program with fewer than 6 semester hours of surveying		
Two-year degree	6	4
Four-year degree	4	4
A college or technology program with 6 or more semester hours of surveying		
Two-year degree	6	4
Four-year degree	2	4
Engineering program and 6 semester hours of surveying		
Two-year degree	6	4
Four-year BS degree	0	4
Engineering program with fewer than 6 semester hours of surveying		
Two-year degree	6	4
Four-year BS degree	2	4

EXPERIENCE REQUIREMENTS FOR EXAMINATION APPLICANTS		
If the applicant's educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Land Surveying examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Land Surveying examination:
Nonaccredited surveying and mapping program		
Two-year degree	6	4
Four-year BS degree	1	4
Accredited surveying and mapping program		
Two-year degree	6	4
Four-year BS degree	0	4

**5.1(7)** Practical experience requirements. Practical land surveying experience is required prior to licensing. The purpose of this requirement is to ensure that the applicant has acquired the professional judgment, capacity and competence to determine land boundaries. The following criteria will be considered by the board in determining whether an applicant's experience satisfies the statutory requirements.

*a. Quality.* Experience shall be of such quality as to demonstrate that the applicant has developed technical skill and initiative in the correct application of surveying principles. Such experience should demonstrate the capacity to review the applications of these principles by others and to assume responsibility for surveying work of a professional character. Up to three years of practical experience obtained after high school graduation and prior to satisfying the education requirement, if under the tutelage of a professional land surveyor, may be accepted toward the additional experience requirement for qualification to take the Fundamentals of Land Surveying examination. A minimum of four years of an applicant's experience after satisfying the education requirement shall be under the tutelage of a professional land surveyor.

*b. Scope.* Experience shall be of sufficient breadth and scope to ensure that the applicant has attained reasonably well-rounded professional competence in land surveying.

*c. Progression.* The record of experience shall indicate successive and continued progress from initial work of simpler character to recent work of greater complexity and higher degree of responsibility, as well as continued interest and effort on the part of the applicant toward further professional development and advancement.

*d. Advanced education and military experience.* An applicant's advanced education, military experience, or both will be reviewed in order to determine if they are applicable toward the statutory requirements for experience.

*e. Joint applications.* Applicants requesting licensure both as professional engineers and professional land surveyors must submit a history of professional experience in both fields. Such histories will be considered separately on a case-by-case basis. The board does not grant full credit for concurrent experience in both professions.

**5.1(8)** Required examinations. The board prepares and grades the Iowa State Specific Land Surveying examination administered to professional land surveyor candidates. All other examinations are uniform examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES). The board may negotiate an agreement with an examination service to administer the examinations to applicants approved by the board, in which case applicants shall pay examination fees directly to the service.

*a. Fundamentals examination.* The Fundamentals of Land Surveying examination is a written examination covering general surveying principles.

*b. Interview.* One or more of the land surveyor members of the board must conduct an interview with each applicant for the professional land surveying examination prior to the examination. This

interview is to verify the applicant's knowledge and experience in the principles and practice of land surveying in Iowa. The applicant is required to bring to the oral interview samples of the applicant's work which include surveying plats, subdivision plats, acquisition plats, corner certificates, and related field notes. The applicant is expected to have knowledge in the following: conduct of original surveys, restoration of obliterated corners, reestablishing of lost corners, retracement work and how to use evidence in restoration of obliterated land lines as well as corners, laws governing riparian rights, accretions, adverse possession, acquiescence, and Iowa laws regarding minimum standards for surveying, platting and corner certification. An applicant will not be permitted to write the examination without successfully verifying experience through the interview process.

*c. Professional land surveying examinations.* The Principles and Practice of Land Surveying examination consists of two examinations. The first is a six-hour examination designed to determine general proficiency and qualification to engage in the practice of land surveying. The second part is a two-hour Iowa State Specific closed-book examination that is designed to determine an applicant's proficiency and qualification to practice land surveying specifically in Iowa. Each of the two examinations shall be scored separately.

*d. Passing scores.* The board reviews test results for each examination and determines what level shall constitute a minimum passing score for that examination. In making its determination, the board generally is guided by the passing score recommended by the NCEES. The board fixes the passing score for each examination at a level which it concludes is a reasonable indication of minimally acceptable professional competence.

*e. Reexamination.* An applicant who fails an examination may request reexamination at the next examination period without reapplication.

(1) If the applicant intends to retake the examination, the applicant must notify the examination service selected by the board to administer the examinations prior to the application due date for the examination.

(2) Applicants failing one or both parts of the professional land surveying examination will be required to retake only the failed portions. An applicant successful in passing one portion of the land surveying examination need not be reexamined for that portion regardless of how much time elapses between the successfully passed portion and any future appearance to retake the failed portion of the examination. A satisfactory score must be obtained on each portion of the examination before the board will grant licensure as a professional land surveyor.

(3) An applicant for licensure as a professional land surveyor in Iowa (by comity or examination) who needs to be examined only for the state-specific portion of the professional land surveying examination may take the examination at the board office by appointment in accordance with all other requirements.

(4) An applicant who has failed two consecutive examinations of the state-specific portion of the professional land surveying examination shall not be allowed to retake the state-specific portion for the next two years in order for the applicant to acquire the necessary skill and knowledge to successfully pass the examination.

*f. Failure to appear.* An applicant who fails to appear for an examination may sit for the examination the next time it is offered without reapplication provided the application will not be more than one year old at the time of the application due date for the examination and the applicant notifies the board office prior to the application due date for the examination.

*g. Materials permitted in examination room.* For security reasons, applicants shall comply with requirements regarding materials permitted in the examination room as issued by the National Council of Examiners for Engineering and Surveying and provided to candidates prior to the examination.

*h. Release of examination results.* Results of any examination shall only be reported as pass or fail except that the candidate who fails an examination may be provided with the candidate's converted score and a diagnostic report indicating areas of weakness, as available.

**5.1(9) Examination subversion.** Any individual who subverts or attempts to subvert the examination process may, at the discretion of the board, have the individual's examination scores declared invalid for

the purpose of licensure in Iowa, be barred from land surveying licensure and examinations in Iowa, or be subject to the imposition of other sanctions the board deems appropriate.

*a.* Conduct that subverts or attempts to subvert the examination process includes, but is not limited to:

(1) Conduct that violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction or reconstruction of any portion of the licensing examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

(2) Conduct that violates the standards of test administration, such as communicating with any other examination candidate during the administration of the licensing examination; communicating with others outside of the examination site during the administration of the examination; copying answers from another candidate or permitting one's answers to be copied by another candidate during the administration of the examination; or having in one's possession during the administration of the licensing examination any device or materials that might compromise the security of the examination or examination process, such as calculating and computing devices not on the list of devices approved by the examination provider or provided by the examination provider.

(3) Conduct that violates the examination process, such as falsifying or misrepresenting educational credentials or other information required for admission to the licensing examination or impersonating an examination candidate or having an impersonator take the licensing examination on one's behalf.

*b.* Any examination candidate who wishes to appeal a decision of the board under this subrule may request a contested case hearing. The request for hearing shall be in writing, shall briefly describe the basis for the appeal, and shall be filed in the board's office within 30 days of the date of the board decision that is being appealed. Any hearing requested under this subrule shall be governed by the rules applicable to contested case hearings under 193—Chapter 7.

[ARC 9805B, IAB 10/19/11, effective 11/23/11; ARC 0362C, IAB 10/3/12, effective 11/7/12; ARC 0684C, IAB 4/17/13, effective 5/22/13]

**193C—5.2(542B) Requirements for licensure by comity.** A person holding a certificate of licensure to engage in the practice of land surveying issued by a proper authority of a jurisdiction or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of Iowa Code section 542B.14 and of a standard not lower than that specified in the applicable licensure Act in effect in this jurisdiction at the time such certificate was issued may, upon application and successful completion of the Iowa State Specific Land Surveying examination, be licensed without further examination. When determining whether the licensing standards satisfied by a comity applicant at time of foreign licensure are equal or superior to those required in Iowa, the board considers each of the four licensing prerequisites in Iowa Code section 542B.14(1) individually. The licensing standards satisfied by the comity applicant must accordingly have been equal or superior to those required in Iowa for education, fundamentals examination, experience, and professional examination. Unless expressly stated in this chapter, the board will not consider an applicant's superior satisfaction of one licensing prerequisite, such as a higher level of education than is required in Iowa, as resolving an applicant's lack of compliance with another prerequisite, such as professional examination. Comity applicants are governed by the same standards as are required of Iowa applicants.

**5.2(1) References.** An applicant for licensure by comity shall submit three references on forms provided by the board, at least two of which shall be from licensed professional land surveyors. The board reserves the right to contact employers for information about the applicant's professional experience and competence.

**5.2(2) Basis for evaluation of applications.** Applications for licensure by comity will be evaluated on the following basis:

*a.* The applicant's record of education, references, practical experience, and successful completion of approved examinations will be reviewed to determine if it currently satisfies the substantive requirements of Iowa Code section 542B.14. In reviewing the education, references, and

practical experience of comity applicants, the board will use the same criteria used by the board to determine the eligibility of a candidate for the Principles and Practice of Land Surveying examination; or

*b.* The applicant's licensure in a jurisdiction other than Iowa will be reviewed to determine if it was granted only after satisfaction of requirements equal to or more stringent than those that were required by Iowa Code section 542B.14 at the time the applicant was licensed in the other jurisdiction.

**5.2(3) Evaluation of comity application process.**

*a.* First, the applicant for licensure by comity from a jurisdiction other than Iowa must have satisfied the education and experience requirements as set forth in Iowa Code section 542B.14 that were in effect at the time that the applicant was licensed initially.

*b.* Second, the applicant must have successfully completed the Fundamentals of Land Surveying examination. The applicant may take the Fundamentals of Land Surveying examination anytime after the practical experience and educational requirements are completed.

*c.* Third, the applicant must have successfully completed the Principles and Practice of Land Surveying examination. Prior to taking this examination, the applicant shall have had a record of four years or more of practical experience in land surveying which is of a character satisfactory to the board.

*d.* While the board will consider evidence presented by a comity applicant on non-NCEES examinations successfully completed in a foreign country, the non-NCEES examination will be compared with the appropriate NCEES examination. A non-NCEES professional examination, for instance, must be designed to determine whether a candidate is minimally competent to practice professional land surveying. The examination must be written, objectively graded, verifiable, and developed and validated in accordance with the testing standards of the American Psychological Association or equivalent testing standards. Free-form essays and oral interviews, while valuable for certain purposes, are not equal or superior to NCEES examinations for reasons including the subjective nature of such procedures, lack of verifiable grading standards, and heightened risk of inconsistent treatment.

**5.2(4) Education and experience requirements.** The board will employ the following chart to determine if the applicant's licensure in a jurisdiction other than Iowa was granted after satisfaction of requirements equal to or more stringent than those that were required by Iowa Code section 542B.14 at the time the applicant was licensed in the other jurisdiction. Column 1 indicates the years of practical experience that were required prior to the Fundamentals of Land Surveying examination in addition to the completion of the required educational level. To determine the total years of practical experience that were required prior to taking the Principles and Practice of Land Surveying examination, column 2 is added to column 1.

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who were licensed prior to July 1, 1988		
If the applicant's educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Land Surveying examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Land Surveying examination:
No post-high school education	8	4
College or technology program with fewer than 6 semester hours of surveying		
One year	7	4
Two years	6	4
Three years	5	4
Four-year degree	4	4
College or technology program with 6 or more semester hours of surveying		

EXPERIENCE REQUIREMENTS FOR COMITY APPLICANTS Who were licensed prior to July 1, 1988		
If the applicant's educational level was:	The applicant must have had the following additional years of experience prior to taking the Fundamentals of Land Surveying examination:	The applicant must have had the following years of experience after receipt of the qualifying degree and prior to taking the Principles and Practice of Land Surveying examination:
One year	7	4
Two years	5.5	4
Three years	4	4
Four-year degree	2.5	4
Engineering program with 6 semester hours of surveying		
One year	7	4
Two years	5.5	4
Three years	4	4
Four-year BS degree	1.5	4
Nonaccredited surveying and mapping program		
One year	7	4
Two years	5	4
Three years	3	4
Four-year BS degree	1	4
Accredited surveying and mapping program		
One year	7	4
Two years	4	4
Three years	2	4
Four-year BS degree	0	4

**5.2(5) Substantial equivalency.** Pursuant to Iowa Code section 546.10(8), the board may grant a comity application for licensure as a professional land surveyor if the board concludes that the applicant has met or exceeded all requirements for licensure applicable to initial applicants in Iowa, other than the sequence in which experience must be attained.

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TITLE III  
COMMUNITY COLLEGES  
CHAPTER 21  
COMMUNITY COLLEGES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 5]  
[Former Ch 21 Rescinded, IAB 9/7/88]

DIVISION I  
APPROVAL STANDARDS

**281—21.1(260C) Definitions.** For purposes of this chapter, the indicated terms are defined as follows:

“*Department*” means the Iowa department of education.

“*Director*” means the director of the department.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.2(260C) Administration.**

**21.2(1) *Policy manual.*** A community college board of directors shall develop and maintain a policy manual which adequately describes the official policies of the institution.

**21.2(2) *Administrative staff.*** A community college shall develop an administrative staff appropriate to the size and the purpose of the institution and one which permits the institution to function effectively and efficiently. This administrative staff shall provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career and technical education, college parallel education, and student services.

**21.2(3) *Chief executive officer.*** A community college shall have a chief executive officer who shall also be the executive officer of the board of directors. The executive officer shall be responsible for the operation of the community college with respect to its educational program, its faculty and student services programs, and the use of its facilities. The executive officer shall delegate to the staff all necessary administrative and supervisory responsibilities to ensure an efficient operation of the institution.

**21.2(4) *Financial records and reports.*** The community college shall maintain accurate financial records and make reports in the form and pursuant to the timeline prescribed by the department and other state agencies.

**21.2(5) *Enrollment.*** A community college shall meet minimum enrollment requirements if it offers instruction as authorized in Iowa Code chapter 260C, and if, to the satisfaction of the state board of education, it is able to provide classes of reasonable economic size as needed by students, meets the needs of the students, and shows by its past and present enrollment and placement record that it meets individual and employment needs.

**21.2(6) *Catalog.*** The catalog shall be the official publication of the community college. It shall include accurate information on institutional policies, admissions requirements, procedures and fees, refund policies, residency requirements, program enrollment and degree requirements, due process procedures, affirmative action, and other information as recommended by the department. Students’ rights and responsibilities may be included in the catalog or in a separate document.

**21.2(7) *Admissions and program/course enrollment requirements.*** The community college shall maintain an open-door admission policy for students of postsecondary age. This admission policy shall recognize that students should demonstrate a reasonable prospect for success in the program in which they are admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses where deficiencies may be remediated or into programs appropriate to the individual’s preparation and objectives. The community college may set reasonable requirements for student enrollment in specified programs and courses. Admissions and program enrollment requirements established by each community college shall be published in the community college catalog.

**21.2(8) *Academic year.*** The academic year of the community college shall consist of semester, trimester, or quarter terms, and shall be a period of time beginning with the first day of the fall term and

continuing through the day preceding the start of the next fall term as indicated in the official college calendar. A community college may offer instruction in units of length (i.e., days and weeks) consistent with the identified scope and depth of the instructional content.

**21.2(9) Award requirements.** The director shall approve all new credit certificate, diploma, and degree award programs in accordance with Iowa Code section 260C.14. Awards from a community college shall be certified by the issuance of appropriate recognition, pursuant to award approval requirement guidelines issued by the department, indicating the type of program the student has completed. The minimum number and maximum number of credit hours required for each award type contained within this subrule may be waived pursuant to paragraph 21.2(13) "i." Each award shall meet the expectations of statewide articulation agreements between Iowa community colleges and public universities.

*a. Associate of arts (AA).* The degree is awarded upon completion of a college parallel (transfer) course of study that provides a strong general education component to satisfy the lower division general education liberal arts and sciences requirements for a baccalaureate degree. An associate of arts degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

*b. Associate of science (AS).* The degree is awarded upon completion of a course of study that requires a strong background in mathematics or science. The degree is intended to prepare students to transfer and initiate upperdivision work in baccalaureate programs. An associate of science degree awarded upon completion of an arts and sciences course of study shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

*c. Associate of general studies (AGS).* The degree is awarded upon completion of an individualized course of study that is primarily designed for the acquisition of a broad educational background rather than the pursuit of a specific college major or professional/technical program. The AGS is intended as a flexible course of study and may include specific curriculum in lower division transfer, occupational education, or professional-technical education. It shall not include a marketed course of study. An associate of general studies degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 64 semester (96 quarter) credit hours.

*d. Associate of applied science (AAS).* The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for entry-level career and technical occupations. An associate of applied science degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied science degree program shall consist of a minimum of 12 semester (18 quarter) credit hours of general education and shall include at least one course from each of the following areas: communications, social science or humanities, and mathematics or science. The technical specialty component of the associate of applied science degree shall constitute a minimum of 50 percent of the course credits.

*e. Associate of applied arts (AAA).* The degree is awarded upon completion of a state-approved program of study that is primarily intended for career training in providing students with professional skills for employment in a specific field of work such as arts, humanities, or graphic design. An associate of applied arts degree shall consist of a minimum of 60 semester (90 quarter) credit hours and a maximum of 86 semester (129 quarter) credit hours. The general education component of the associate of applied arts degree program shall consist of a minimum of 12 semester (18 quarter) credit hours of general education and shall include at least one course from each of the following: communications, social science or humanities, and mathematics or science. The technical specialty component of the associate of applied arts degree shall constitute a minimum of 50 percent of the course credits.

*f. Associate of professional studies (APS) pilot.* The degree is awarded upon completion of a state-approved program of study that is intended to prepare students for transfer and upper division coursework in aligned baccalaureate programs or immediate entry into the workforce.

(1) Pilot awards shall be approved on a limited basis at the director's sole discretion. To be eligible to participate in the pilot, a college shall demonstrate that other award types cannot meet needs and the associate of professional studies award is appropriate. The department shall study the effectiveness of

associate of professional studies programs with regard to transfer and employment success after five years and make recommendations to the state board of education regarding program parameters and continuation.

(2) Each state-approved associate of science-career option (AS-CO) program of study shall be phased out by the end of the 2015-2016 academic year. All existing AS-CO programs shall be modified to meet the parameters of allowable award types or shall be discontinued.

(3) An associate of professional studies degree shall consist of a minimum of 62 semester (93 quarter) credit hours and a maximum of 68 semester (102 quarter) credit hours. The general education component of the associate of professional studies degree shall consist of a minimum of 30 semester (45 quarter) credit hours of general education including 3 semester (4.5 quarter) credit hours of each of the following: speech, mathematics, humanities, social and behavioral sciences, science; 6 semester (9 quarter) credit hours of writing; and 9 semester (13.5 quarter) credit hours distributed among mathematics, social and behavioral sciences, humanities, and science. The technical specialty component of the associate of professional studies degree shall consist of a minimum of 16 semester (24 quarter) credit hours of career and technical coursework accepted by a receiving baccalaureate degree-granting institution with an aligned program as applying toward a specific major or program of study. The technical specialty component of the degree shall also consist of a minimum of 16 additional semester (24 quarter) credit hours of career and technical coursework accepted by the receiving institution as electives.

(4) An associate of professional studies degree program of study shall have a minimum of three program-to-program articulation agreements with baccalaureate degree-granting institutions, at least one of which must be a public institution. A program shall have a minimum of one articulation agreement effective prior to program implementation, provided all three agreements are effective within the program's first year of student enrollment. The agreements shall provide for the application of no fewer than 60 semester (90 quarter) credit hours toward the graduation requirements of each articulated baccalaureate degree program.

*g. Diploma.* The diploma is awarded upon completion of a state-approved program of study that is a coherent sequence of courses consisting of a minimum of 15 semester (22.5 quarter) credit hours and a maximum of 48 semester (72 quarter) credit hours including at least 3 semester (4.5 quarter) credit hours of general education. The general education component shall be from any of the following areas: communications, social science or humanities, and mathematics or science. A diploma may be a component of and apply toward subsequent completion of an associate of applied science or associate of applied arts degree.

*h. Certificate.* The certificate is awarded upon completion of a state-approved program of study that is designed for entry-level employment and shall consist of a maximum of 48 semester (72 quarter) credit hours. A certificate may be a component of and apply toward subsequent completion of a diploma or associate of applied science or associate of applied arts degree and may be developed in rapid response to the needs of business and industry. A certificate may consist of only career and technical courses and no general education course requirements.

**21.2(10) Academic records.** The community college shall maintain in perpetuity for each student the complete academic record including every course attempted and grade received. An official transcript must be created at the time of course enrollment. The credit hour(s) and grade must be recorded on the student's official transcripts upon completion of a community college course. These records shall be kept in disaster-resistant storage, unless other equivalent safeguards are used, such as maintaining duplicate files (electronic or otherwise) in separate facilities. The method of storage shall be consistent with current technology to ensure the ability to retrieve records. The community college shall implement a security plan that ensures the confidentiality of student records.

**21.2(11) Resident policy.** There shall be adopted for all community colleges a uniform policy for the determination of permanent residence for tuition purposes.

**21.2(12) Credit hours.** Credit hours shall be determined consistent with the following procedures.

*a.* Specifically stated criteria are minimal requirements only, which institutions may exceed at their discretion.

*b.* Conventional instruction is subdivided into four instructional methods as herein defined.

(1) Classroom work — lecture and formalized classroom instruction under the supervision of an instructor.

(2) Laboratory work — experimentation and practice by students under the supervision of an instructor.

(3) Clinical practice — applied learning experience in a health agency or office under the supervision of an instructor.

(4) Work experience — employment-related experience planned and coordinated by an institutional representative and the employer, with control and supervision of the student on the job being the responsibility of the employer.

*c.* No registration or orientation hours may be included when determining credit hours.

*d.* Institutions shall take into account the soundness of the learning environment being created by the scheduling sequence and length of classroom, laboratory, clinical, and work experience sessions. However, the final decision on these matters is left to the institutional administration so long as minimal standards are met.

*e.* Only minutes for students officially registered for courses or programs, including audit registration, may be included when determining credit hours.

*f.* Each community college must establish a policy that defines its methods of equating alternative instruction to credit hours and the process for evaluating the effectiveness of the alternative instruction to meet or exceed the expected student outcomes as if the course were taught utilizing conventional methods in paragraph 21.2(12)“*b.*” Colleges will be held accountable for evaluating and maintaining high-quality programs, and their evaluations may be subject to department review. Students shall be expected to meet all approved course requirements and shall be expected to demonstrate the acquisition of knowledge and competencies/outcomes at the same level as those obtained in traditional classroom settings, in the time frames set by the institution. Alternative courses or programs of study must be approved by the college’s review processes including faculty review and input. Courses shall be listed in the college catalog. Instructional formats for which alternative methods of determining credit hours are applicable include the following:

(1) Accelerated courses (study, programs). Courses or programs of study that allow students to complete courses or programs at a faster pace than if offered by conventional methods. Courses and programs shall be tailored to involve more student participation and self-directed study. Instructors may teach in traditional classroom settings or by alternative methods specified in this subrule.

(2) Distance education. Courses or programs of study taught over the Internet, Iowa Communications Network (ICN), or other electronic means that allow students to receive instruction in the classroom or other sites, over personal computers, television, or other electronic means. Courses may or may not be interactive with direct communication between the teacher and students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

1. Correspondence courses. Courses offered outside the classroom setting in which the instruction is delivered indirectly to the student. Instruction is provided through another medium, such as written material, computer, television, or electronic means. Course materials are sent to a student who follows a detailed syllabus to complete assignments. Students correspond with and transmit assignments to the instructor by telephone, computer, mail, or electronic means. A third party may administer tests.

2. Television courses. Courses or programs delivered primarily via broadcast television such as Iowa Public Television, digital video disc, or other media allowing students to receive instruction in a classroom or equipped remote location.

3. Video conference courses. Courses or programs delivered via a closed synchronous audio-video conferencing system such as the Iowa Communications Network or similar system which allows students to receive instruction in a classroom or any equipped remote location via an audio-video feed to a television, computer, or other electronic device.

4. Internet courses. Courses or programs delivered via the Internet. Courses may be taken using computers in a classroom setting or using personal computers or other electronic devices from the

student's home or other location using an online content management system or mixed-media methods. Students may be linked at times directly with the instructor or with other students electronically. Interaction may be direct (synchronous) or indirect (asynchronous) allowing students to participate during their own time frames.

5. In-class hybrid courses. Courses or programs that combine traditional classroom and computer-based instruction. In-class sessions are offered with online instructional activities to promote independent learning and reduce seat-time.

(3) Self-paced instruction. Courses or programs that permit a student to enter at variable times or progress at the student's own rate of speed. Start and end dates may or may not correspond to the official college calendar. Contact or credit hours for self-paced programs or courses shall be computed by assigning to each registration the total number of credit or contact hours the student would have received if the student enrolled in a conventional program or course with stipulated beginning and ending dates.

(4) Arranged study. Instruction offered to students at times other than stated or scheduled class times to accommodate specific scheduling or program needs of students. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

(5) Multiformat nontraditional instruction. Instruction utilizing a variety of nontraditional methods that may incorporate self-paced learning, text, video, computer instructional delivery, accelerated training, independent study, Internet delivery, or other methods that do not follow standard classroom work guidelines. Credit hours shall be awarded in accordance with the credit hours that would have been assigned if the course or program were taught by conventional methods.

g. Individualized learning experiences for which an equivalent course is not offered shall have the program length computed from records of attendance using such procedures as a time clock or sign-in records. Individualized learning experiences means independent study courses in which an equivalent course is not offered by the college or listed in the college catalog. Independent study permits in-depth or focused learning on special topics of particular interest to the student.

h. Each course must have a minimum length of one credit hour. A fractional unit of credit may be awarded provided the course exceeds the minimum length of one credit hour.

i. Each credit hour shall consist of a minimum number of contact hours as defined in paragraphs 21.2(12) "h" to "m." One contact hour equals 50 minutes.

j. Classroom work.

(1) The minimal requirement for one semester hour of credit shall be 800 minutes (16 contact hours) of scheduled instruction.

(2) The minimal requirement for one quarter hour of credit shall be 533 minutes (10.7 contact hours) of scheduled instruction.

k. Laboratory work.

(1) The minimal requirement for one semester hour of credit shall be 1,600 minutes (32 contact hours) of scheduled laboratory work.

(2) The minimal requirement for one quarter hour of credit shall be 1,066 minutes (21.3 contact hours) of scheduled laboratory work.

l. Clinical practice.

(1) The minimal requirement for one semester hour of credit shall be 2,400 minutes (48 contact hours) of scheduled clinical practice.

(2) The minimal requirement for one quarter hour of credit shall be 1,599 minutes (32 contact hours) of scheduled clinical practice.

m. Work experience.

(1) The minimal requirement for one semester hour of credit shall be 3,200 minutes (64 contact hours) of scheduled work experience.

(2) The minimal requirement for one quarter hour of credit shall be 2,132 minutes (42.6 contact hours) of scheduled work experience.

**21.2(13) Career and technical program length.**

a. Program length for the associate of applied science (AAS) degree in career and technical education, for the associate of applied arts (AAA) degree, and for the associate of professional studies (APS) degree shall consist of an academic program not to exceed two academic years. All required course offerings are to be available within two academic years. All required offerings in AAS and AAA degree programs shall not exceed a maximum of 86 semester (129 quarter) credit hours unless the department of education has granted a waiver pursuant to paragraph 21.2(13)“i.” All required offerings in pilot APS degree programs shall not exceed a maximum of 68 credit hours. Programs shall not exceed an average of 19 credit hours per regular term.

b. All credit-bearing courses required for program admittance or graduation, or both, shall be included in the program length credit hour maximum, with the exception of developmental course credit hours. Prerequisites that provide an option to students for either credit or noncredit shall be counted toward the program parameters. Prerequisite options that are only offered for noncredit shall not be counted toward program length parameters. A high school course prerequisite is permissible and shall not count toward program length parameters, provided the prerequisite is reasonable. A high school course prerequisite is reasonable if a community college demonstrates that students entering the program predominantly meet the requirement without prior college coursework.

c. Associate of applied science (AAS) and associate of applied arts (AAA) programs that receive accreditation from nationally recognized accrediting bodies may appeal maximum credit hour length requirements to the department for consideration of a waiver. All AAS and AAA degree programs over the 86 semester (129 quarter) credit hour maximum must have approved program-length waivers pursuant to paragraph 21.2(13)“i.”

d. Associate of professional studies pilot programs shall not be eligible for a program-length waiver pursuant to paragraph 21.2(13)“i.”

e. All credit certificate and diploma programs as defined in subrule 21.2(9) shall not exceed 48 semester (72 quarter) credit hours.

f. Each course offered in the area of career and technical education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

g. A full-time student in career and technical education shall be defined as a student enrolling in 12 or more semester credit hours or the equivalent in career and technical education.

h. Curricula in full-time career and technical education programs shall ordinarily be offered on the basis of student workload of 20 to 30 contact hours per week.

i. Waiver process. A college may petition the department to suspend in whole or in part a program-length requirement contained in paragraphs 21.2(13)“a” to “e” as applied to a specific program on the basis of the particular circumstances of that program.

(1) Waivers shall be issued at the director’s sole discretion. Waivers shall be narrowly tailored and granted for a period no longer than two academic years, after which reapplication is required. A waiver may be granted on a long-term basis not to exceed ten years if issuing the waiver for a shorter period is not practical.

(2) All petitions for waiver must be submitted in writing to the department. A petition shall include the following information: specific waiver request including scope and duration, the relevant facts that the petitioner believes would justify a waiver, a detailed statement of the impact on student achievement, any information known regarding the department’s treatment of similar cases, and any additional information deemed relevant by the petitioner. The department shall acknowledge a petition upon receipt.

(3) The department shall ensure that, within 30 calendar days, notice of pendency of the petition and a concise summary of its contents have been provided to a committee consisting of the chief academic officers of each community college. In addition, the department may give notice to other persons.

(4) A committee consisting of the chief academic officers of a majority of community colleges shall review the waiver request and provide a recommendation to the department regarding whether approval should be granted. Within 90 calendar days of receiving the recommendation, the department

shall review the petition and issue a ruling. Failure of the department to grant or deny a petition within the required time period shall be deemed a denial of that petition. If a waiver is issued, the department shall provide a description of the precise scope and operative period to all interested parties.

**21.2(14) Faculty organization.** The faculty shall be organized in such a way as to promote communication among administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, general policies, and such other matters as are appropriate.

**21.2(15) Faculty salary allocation plan.** Pursuant to the appropriation of funds from the state general fund to the department for the purpose of supplementing community college faculty salaries, the department follows the formula herein when distributing such funds to community colleges.

*a.* For purposes of this subrule, the following definitions apply.

(1) “Full-time faculty” means those nonadministrative instructors, counselors, and librarians who are classified as full-time employees as defined in the college’s collective bargaining agreement or written policy.

(2) “Part-time faculty” means those nonadministrative instructors, counselors, and librarians who are employed less than full-time as defined in the college’s collective bargaining agreement and who are covered by the college’s collective bargaining agreement. For purposes of the definition of “eligible full-time equivalent instructor,” each part-time faculty person shall be counted as a fraction that accurately reflects the person’s percentage of employment by the college when compared to a full-time faculty person.

(3) “Temporary/seasonal faculty” means those nonadministrative instructors, counselors, and librarians who are employed, full-time or part-time, by the college for short periods of time for specific purposes.

(4) “Adjunct faculty” means those nonadministrative instructors, counselors, and librarians who are employed without a continuing contract, whose teaching load does not exceed one-half time for two full semesters or three full quarters per calendar year.

(5) “Eligible full-time equivalent instructor” means the total of full-time faculty and part-time faculty where each full-time faculty counts as one, and each part-time faculty counts as a fraction that accurately reflects the person’s percentage of employment by the college when compared to a full-time faculty person.

*b.* The appropriation shall be distributed to the community colleges based on their proportional share of eligible full-time equivalent instructors.

*c.* Moneys distributed to each community college pursuant to this subrule shall be rolled into the funding allocation for all future years. The use of the funds shall remain as described herein for all future years. The appropriation will be distributed to the community colleges in equal monthly payments made on or about the fifteenth of each month.

*d.* Moneys appropriated and distributed to community colleges pursuant to this subrule shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds herein. Eligible expenditures for the moneys appropriated are for salary expenditures and the required college contribution to FICA and IPERS or an alternative retirement benefits system. These moneys shall then be considered as part of the instructor’s salary in future years.

*e.* Moneys distributed to a community college pursuant to this subrule shall be allocated to all full-time faculty and shall include part-time faculty covered by a collective bargaining agreement. The moneys shall be allocated pursuant to any existing negotiated agreements according to Iowa Code chapter 20. If no language exists to specify the method of allocation, the moneys shall be allocated equally to all full-time faculty with part-time faculty who are covered by a collective bargaining agreement receiving a prorated share.

*f.* A community college receiving funds distributed pursuant to this subrule shall determine the amount to be paid to instructors in accordance with Iowa Code section 260C.18D, subsection 4, and the

amount determined to be paid to an individual instructor shall be divided evenly and paid in each pay period of the fiscal year.

This rule is intended to implement Iowa Code section 260C.33.  
[ARC 8646B, IAB 4/7/10, effective 5/12/10; ARC 0687C, IAB 4/17/13, effective 5/22/13]

**281—21.3(260C) Faculty.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.4(260C) Curriculum and evaluation.**

**21.4(1) General education.** General education is intended to provide breadth of learning to the community college experience. General education imparts common knowledge, promotes intellectual inquiry, and stimulates the examination of different perspectives, thus enabling people to function effectively in a complex and changing world. General education tends to emphasize oral and written communication, critical analysis of information, knowledge and appreciation of diverse cultures, ways of knowing and human expression, knowledge of mathematical processes and natural sciences investigations, and ethics. General education courses are not intended to be developmental in nature. Each community college is responsible for clarifying, articulating, publicizing, and assessing its general education program.

**21.4(2) College parallel or transfer.**

*a.* This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include: such courses as may be necessary to develop skills that are prerequisite to other courses and objectives; and specialized courses required to provide career options within the college parallel or transfer program. College parallel or transfer programs are associate of arts and associate of science degree programs. General education courses in college parallel or transfer programs are required to be college transfer courses. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

*b.* Courses of a developmental or remedial nature or prefreshman level shall not bear college transfer credit and shall be clearly identified in the college catalog. Developmental courses on the transcript shall be identifiable through the adoption of the community college common course numbering system.

**21.4(3) Career and technical education.** Instruction shall be offered in career and technical education programs in no less than five different occupational fields as defined by the department. College parallel or transfer courses may be offered as needed in career and technical education programs. Career and technical education programs, including associate of science-career option programs, must meet program approval requirements set by the state board of education. The director shall approve new career and technical education programs. Instruction shall be offered in career and technical education programs, ensuring that they are competency-based, contain all minimum competencies required by the department, articulate with local school districts' career and technical education programs, and comply with any applicable requirements in Iowa Code chapter 258. The occupational fields in which instruction is offered shall be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees may be used to assist in developing and maintaining instructional content, including leadership development.

**21.4(4) Adult and continuing education.** Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel or transfer, high school completion, supplementary and preparatory career education programs, and other programs and experiences as may be required to meet the needs of people in the merged area.

**21.4(5) Community services.** The community colleges shall provide a program of community services designed to meet the needs of persons residing in the merged area. The purpose of the community service program shall be to foster agricultural, business, cultural, industrial, recreational and social development in the area.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.5(260C) Library or learning resource center.**

**21.5(1) Facilities.** Community college libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and shall show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort, setting, and technology of the facility used to house the collection and learning resources.

**21.5(2) Staffing.** The library or learning resource center shall be adequately staffed with qualified professionals and skilled nonprofessional personnel.

**21.5(3) Collection.** The library and learning resource center materials collection of a community college shall be accessible and adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled, including distance and satellite sites. The library and learning resource center materials collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The library and learning resource center materials collection shall contain a range and number of print and nonprint materials and appropriate electronic information resources.

**21.5(4) Expenditures.** The budget of the library or learning resource center shall be appropriate for the programs and services offered by the institution. New programs and new curricula shall be reflected in library or learning resource center expenditures.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.6(260C) Student services.** A program of student services shall be provided to meet the needs of students in the community college. The program of student services shall include, but not be limited to, the following functional areas:

1. Orientation to college and career opportunities and requirements.
2. Appraisal of individual potential.
3. Consultation with students about their plans, progress and problems.
4. Participation of students in activities that supplement classroom experiences.
5. Regulation to provide an optimal climate for social and academic development.
6. Services that facilitate community college attendance through a program of financial assistance, and facilitate transition to further education or employment.
7. Organization that provides for continuing articulation, evaluation and improvement of the student services program.
8. Campus safety and security as required by Iowa Code chapter 260C and the federal Clery Act, 20 U.S.C. Section 1092(f), 34 CFR Section 668.46.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.7(260C) Laboratories, equipment and supplies.** Laboratories, equipment and supplies shall be comparable with those used in the occupations for which instruction is offered. Similarly, college parallel or transfer courses shall be supported in a manner comparable to those conditions which prevail in standard, regionally accredited colleges and universities in which students may wish to transfer college credits.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.8(260C) Physical plant.** The site, buildings and equipment of the community college shall be well maintained and in good condition. At a minimum, a five-year ongoing, systematic maintenance and facilities plan approved by the local community college board shall be in evidence. The physical plant shall be adequate in size and properly equipped for the program offered. All remodeling of existing facilities shall comply with Iowa Code chapter 104A and the federal Americans With Disabilities Act, 42 U.S.C. Section 12101 et seq.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.9(260C) Nonreimbursable facilities.** No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities, other than physical education, shall be constructed with state-appropriated funds.  
[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.10(260C) Accreditation.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.11(260C) Community college accreditation process.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.12(260C) Standards for community colleges.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.13 to 21.19** Reserved.

The rules in this division are intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 601.

DIVISION II  
COMMUNITY COLLEGE ENERGY APPROPRIATIONS

**281—21.20 to 21.29** Reserved.

DIVISION III  
INSTRUCTIONAL COURSE FOR DRINKING DRIVERS

**281—21.30(321J) Purpose.** The purpose of the instructional course for drinking drivers is designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

**281—21.31(321J) Course.**

**21.31(1)** A course provided in accordance with Division III of this chapter shall be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125. However, a community college shall not be required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college.

**21.31(2)** A course provided in accordance with Division III of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.

**21.31(3)** A course provided in accordance with Division III of this chapter may be offered by a provider in another state when the course and its provider are approved by the department of education pursuant to 2011 Iowa Acts, Senate File 470.

**21.31(4)** Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17, subsection 2. However, any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

**21.31(5)** Any instructional course shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. Each course of instruction shall establish the following:

*a.* An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.

*b.* An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.

- c. Methods of providing support for making low-risk choices.
  - d. An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.
  - e. Opportunities to develop a specific plan of action to follow through with low-risk choices. A list of community resources is provided for ongoing support and treatment as needed.
- [ARC 9901B, IAB 12/14/11, effective 1/18/12]

**281—21.32(321J) Tuition fee established.**

1. Each person enrolled in an instructional course for drinking drivers shall pay to the community college, a substance abuse treatment program licensed under Iowa Code chapter 125, or a state correctional facility a tuition fee of \$85 for the approved 12-hour course, plus a reasonable book fee or \$185 for the court-ordered approved 28-hour weekend course, plus a reasonable book fee. For the court-ordered approved 28-hour weekend course, the community college or the substance abuse treatment program licensed under Iowa Code chapter 125 shall set a reasonable fee for lodging, meals, and security.

2. A person shall not be denied enrollment in a course by reason of a person's indigency. For court-ordered placement, the court shall determine a person's indigency. In all other instances, the community college, substance abuse treatment program licensed under Iowa Code chapter 125, or state correctional facility shall determine indigence upon application.

**281—21.33(321J) Administrative fee established.**

**21.33(1) Students enrolled in Iowa.** Beginning January 1, 2003, each person enrolled in Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of \$10. This fee is in addition to tuition and shall be collected by the provider of the instructional course in conjunction with the tuition fee established under 281—21.32(321J). The administrative fee shall be forwarded to the department of education on a quarterly basis as prescribed by the department. If a student has been declared by the court as indigent, no administrative fee will be charged to that student.

**21.33(2) Students enrolled in another state.** Beginning January 1, 2004, each person enrolled outside the state of Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of \$25. This fee is in addition to tuition and shall be paid directly to the department of education by the student. Upon payment of the fee, the department of education shall review the educational component of the course taken by the student and shall inform the department of transportation whether the educational component is approved by the department of education.

**281—21.34** Reserved.

The rules in this division are intended to implement Iowa Code section 321J.22 as amended by 2008 Iowa Acts, House File 2651, section 16.

DIVISION IV  
JOBS NOW CAPITALS ACCOUNT

**281—21.35 to 21.44** Reserved.

DIVISION V  
STATE COMMUNITY COLLEGE FUNDING PLAN

**281—21.45(260C) Purpose.** A distribution plan for general state financial aid to Iowa's community colleges is established for the fiscal year commencing July 1, 1999, and succeeding fiscal years. Funds appropriated by the general assembly to the department of education for general financial aid to community colleges shall be allocated to each community college in the manner defined in this chapter.

**21.45(1) Distribution formula.** Moneys appropriated by the general assembly from the general fund to the department for community college purposes for general state financial aid for a budget year shall

be allocated to each community college by the department according to the provisions of Iowa Code section 260C.18C.

**21.45(2)** Each community college shall provide student and financial information in the manner and form as determined by the department and before the deadline announced by the department. If the community college fails to provide the student or financial information as required, the department shall estimate the full-time equivalent enrollment (FTEE) of that college that will be used in the state general aid distribution formula.

**21.45(3)** Each community college shall be required to hire an auditing firm to complete and submit the schedule of credit-hour and contact-hour enrollment and a letter certifying that specified department of education procedures were followed. These schedules will be used in calculating the college's FTEE utilized in the community college state general aid distribution formula.

This rule is intended to implement Iowa Code section 260C.18C.  
[ARC 8646B, IAB 4/7/10, effective 5/12/10]

DIVISION VI  
INTERCOLLEGIATE ATHLETIC COMPETITION

**281—21.46 to 21.56** Reserved.

DIVISION VII  
QUALITY INSTRUCTIONAL CENTER INITIATIVE

**281—21.57(260C) Purpose.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.58(260C) Definitions.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.59(260C) Eligibility requirements.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.60(260C) Timelines.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.61(260C) Evaluation and selection criteria.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.62(260C) Funding.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.63(260C) Annual report.** Rescinded IAB 4/7/10, effective 5/12/10.

DIVISION VIII  
PROGRAM AND ADMINISTRATIVE SHARING INITIATIVE  
Rules 281—21.64(280A) to 21.71(280A), effective 12/20/91 were rescinded IAB 2/5/92, effective 1/7/92; these rules were readopted IAB 4/1/92, effective 5/6/92.

**281—21.64(260C) Purpose.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.65(260C) Definitions.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.66(260C) Eligibility requirements.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.67(260C) Timelines.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.68(260C) Evaluation and selection criteria.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.69(260C) Funding.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.70(260C) Annual report.** Rescinded IAB 4/7/10, effective 5/12/10.

**281—21.71(260C) Combining merged areas—election.** Rescinded IAB 4/7/10, effective 5/12/10.

DIVISION IX  
APPRENTICESHIP PROGRAM

**281—21.72(260C) Purpose.** The purpose of the apprenticeship program is to provide individuals, at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, employment to learn a skilled trade or an occupation; and to authorize each community college to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations.

**281—21.73(260C) Definitions.** For the purpose of Division IX, the following definitions shall apply:

*“Apprentice”* shall mean a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade or occupation under the standards of apprenticeship.

*“Apprenticeable occupation”* is a skilled trade which possesses all of the following characteristics:

1. It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
2. It is clearly identified and commonly recognized throughout an industry.
3. It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.
4. It requires related instruction to supplement on-the-job training.

*“Apprenticeship agreement”* shall mean a written agreement between an apprentice and the apprentice’s employer, or an apprenticeship committee acting as the agent for the employer(s). The agreement contains the terms and conditions of the employment and training of the apprentice.

*“Apprenticeship committee”* shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be “joint,” i.e., composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s), and is established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be “unilateral” or “nonjoint” and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

*“Apprenticeship instructor”* shall mean an instructor who delivers related and technical instruction in apprenticeship programs and who must meet the department’s requirements for career and technical instructors or be recognized as a subject matter expert. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

*“Apprenticeship program”* shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as required under 29 CFR Parts 29 and 30, including the requirement for a written apprenticeship agreement.

*“Cancellation”* shall mean the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.

*“Certification”* or *“certificate”* shall mean documentary evidence that at least one of the following has been met:

1. The Office of Apprenticeship has approved a set of National Guidelines for Apprenticeship Standards developed by a national committee or organization, joint or unilateral, or policy or guideline used by local affiliates, as conforming to the standards of apprenticeship set forth in 29 CFR Section 29.5;
2. A registration agency has established that an individual is eligible for probationary employment as an apprentice under a registered apprenticeship program.
3. A registration agency has registered an apprenticeship program as evidenced by a certificate of registration or other written indicia;
4. A registration agency has determined that an apprenticeship has successfully met the requirements to receive an interim credential; or
5. A registration agency has determined that an individual has successfully completed an apprenticeship.

“*Competency*” shall mean the attainment of manual or technical skill and knowledge as specified by an occupational standard.

“*Employer*” shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

“*Journeyworker*” shall mean a worker who has attained a level of skill and competency recognized within an industry as having mastered the skills and competencies required for the occupation.

“*Office of Apprenticeship*” shall mean the office designated by the Employment and Training Administration to administer the National Apprenticeship System or its successor organization.

“*Registration agency*” shall mean the Office of Apprenticeship.

“*Registration of an apprenticeship agreement*” shall mean the acceptance and recording of an apprenticeship agreement by the Office of Apprenticeship as evidence of the apprentice’s participation in a particular registered apprenticeship program.

“*Related instruction*” or “*related technical instruction*” shall mean an organized and systematic form of instruction designed to provide the apprentice with the core knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom through occupational or industrial courses, by correspondence courses of equivalent value, by electronic media, or by other forms of self-study approved by the registration agency.

“*Sponsor*” shall mean any person, association, committee or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

“*Supplemental instruction*” shall mean instruction in non-core-related requirements; for example, job site management, leadership, communications, first aid/CPR, field trips, and new technologies.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

**281—21.74(260C) Apprenticeship programs.** For an apprenticeship program to be offered by a community college or a local educational agency, the program must be approved by the U.S. Department of Labor, Office of Apprenticeship, and meet all requirements outlined in the National Apprenticeship Act, 29 U.S.C. Section 50, 29 CFR Parts 29 and 30.

[ARC 8646B, IAB 4/7/10, effective 5/12/10]

The rules in this division are intended to implement Iowa Code section 260C.44 and the National Apprenticeship Act, 29 U.S.C. Section 50, and 29 CFR Parts 29 and 30.

DIVISION X  
MISCELLANEOUS PROVISIONS

**281—21.75(260C,82GA,SF358) Used motor vehicle dealer education program.** An applicant for a license from the department of transportation as a used motor vehicle dealer shall complete a minimum of eight hours of preclicensing education program courses pursuant to 2007 Iowa Acts, Senate File 358, prior to submitting the application. The education program courses are provided by community colleges or by the Iowa Independent Automobile Dealers Association in conjunction with a community college. The fee for both the preclicensing education program courses and continuing education courses shall not exceed \$50 per contact hour of instruction, which shall include course materials and administrative costs.

This rule is intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 358.

[Filed 1/11/66, amended 10/5/66, 10/10/66, 4/17/67, 3/11/74]

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[Filed ARC 0687C (Notice ARC 0531C, IAB 12/12/12), IAB 4/17/13, effective 5/22/13]

<sup>◇</sup> Two or more ARCs



CHAPTER 32  
HIGH SCHOOL EQUIVALENCY DIPLOMA  
[Prior to 9/7/88, see Public Instruction Department[670] Ch 8]

**281—32.1(259A) Test.** The Iowa high school equivalency diploma shall indicate the holder thereof has achieved the equivalent of a high school education as measured by scores obtained on the test(s) approved by the Iowa department of education to measure high school completion.

This rule is intended to implement Iowa Code section 259A.1.  
[ARC 0688C, IAB 4/17/13, effective 5/22/13]

**281—32.2(259A) By whom administered.** The tests shall be administered in official testing centers authorized by the Iowa department of education. Official testing centers shall be established with an accredited and approved institution.

This rule is intended to implement Iowa Code section 259A.2.  
[ARC 0688C, IAB 4/17/13, effective 5/22/13]

**281—32.3(259A) Minimum score.** Applicants must achieve the appropriate minimum standard scores as established by the Iowa department of education and in effect at the time the applicant tested.

[ARC 9903B, IAB 12/14/11, effective 1/18/12; ARC 0688C, IAB 4/17/13, effective 5/22/13]

**281—32.4(259A) Effectiveness of test scores.** Test scores shall remain valid for a period of five years from the date of the first test. If the applicant has not received the Iowa high school equivalency diploma by then, the applicant must retake the expired test(s). The only exception is for test series expiring prior to the five years, in which case all prior tests are void.

This rule is intended to implement Iowa Code section 259A.1.  
[ARC 0688C, IAB 4/17/13, effective 5/22/13]

**281—32.5(259A) Retest.** Any applicant not achieving the minimum standard test scores as defined in rule 281—32.3(259A), upon payment of a fee to cover only the testing costs, shall be permitted to make application for retest and scoring of the retest, provided that one of the following conditions is met:

**32.5(1)** A period of three months from the date of original testing has elapsed.

**32.5(2)** Applicant shall complete instruction in an adult education program, in the area or areas to be retested. This instruction shall be certified by an official of the adult education program to the test administrator (state or local) authorized to release the retest earlier than three months.

This rule is intended to implement Iowa Code sections 259A.2 and 259A.5.  
[ARC 9903B, IAB 12/14/11, effective 1/18/12; ARC 0688C, IAB 4/17/13, effective 5/22/13]

**281—32.6(259A) Application fee.** The applicant or supporting agency shall pay an application fee to cover only actual testing costs.

This rule is intended to implement Iowa Code sections 259A.2 and 259A.5.  
[ARC 9903B, IAB 12/14/11, effective 1/18/12; ARC 0688C, IAB 4/17/13, effective 5/22/13]

**281—32.7(259A) Diploma, transcript, verification fees.** Upon payment of \$10 to the Iowa department of education, the department shall prepare and issue a high school equivalency diploma to an applicant who has achieved the minimum and average scores established in rule 281—32.3(259A). Upon payment of \$10 to the Iowa department of education, the department shall prepare and issue a copy of an applicant's transcript to the applicant or person authorized by the applicant to request the transcript. Upon payment of \$10 to the Iowa department of education, the department shall prepare and issue a verification that an applicant has earned a high school equivalency diploma to the applicant or person authorized by the applicant to request the verification.

[ARC 9903B, IAB 12/14/11, effective 1/18/12]

**281—32.8(259A) Admission to testing.** No one under 16 years of age is allowed to test. Testing of 16-year-olds is restricted to these conditions: (a) resident of an Iowa juvenile institution; or (b) under the supervision of a probation office. To take the high school equivalency test, anyone 17 years of age

or older who is not enrolled in a secondary school or who is not a high school graduate may be admitted to testing. The only requirements for admission for testing are proof of age and, for an applicant 17 or 18 years of age, consent of the applicant's parent or guardian and verification of nonenrolled status. The applicant cannot receive a diploma until the applicant has reached 18 years of age and the applicant's class from ninth grade has graduated.

This rule is intended to implement Iowa Code section 259A.2.

[ARC 0688C, IAB 4/17/13, effective 5/22/13]

[Filed 10/6/65, amended 9/18/69, 7/12/72]

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[Filed ARC 0688C (Notice ARC 0510C, IAB 12/12/12), IAB 4/17/13, effective 5/22/13]

CHAPTER 71  
ADMINISTRATION OF THE CONVEYANCE SAFETY PROGRAM

**875—71.1(89A) Definitions.** The definitions contained in this rule shall apply to 875—Chapters 71, 72, and 73.

“*Acceptance checklist*” means a checklist available on the Web site of the division of labor services that includes a list of major systems and components of conveyances.

“*AECO*” means an elevator/escalator certification organization accredited pursuant to ASME A17.7.

“*Approved*” means approved by the division.

“*CCD*” means code compliance documentation as described in ASME A17.7, Section 2.10.

“*CEI*” means a person who is a certified elevator inspector or a certified elevator inspector supervisor pursuant to ASME QEI-1-2007.

“*Control*” means the system governing the starting, stopping, direction of motion, acceleration, speed and deceleration of the moving member.

“*Conveyance*” means any elevator, escalator, dumbwaiter, wind tower lift, CPH, or other equipment governed by Iowa Code chapter 89A.

“*CPH*” means a construction personnel hoist.

“*CPH jump*” means the addition or removal of mast or tower allowing a change in the hoist service elevation of a CPH.

“*Division*” means the labor services division of the workforce development department.

“*Elevator*” means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors of a building or structure. “Elevator” does not include a CPH.

“*Elevator mechanic*” means a person who meets the standard for “elevator personnel” found in ASME A17.1.

“*Hoistway-unit system*” means a series of hoistway-door interlocks, hoistway-door electric contacts or hoistway-door combination mechanical locks and electric contacts, or a combination thereof, the function of which is to prevent operation of the driving machine by the normal operating device unless all hoistway doors are in the closed position and, if required, locked.

“*Wind tower lift*” means a conveyance designed and utilized solely for movement of trained and authorized people and small loads in wind towers built for the production of electricity.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 9221B, IAB 11/17/10, effective 12/22/10; ARC 0168C, IAB 6/13/12, effective 7/18/12; ARC 0685C, IAB 4/17/13, effective 5/22/13]

**875—71.2(89A) Registration of conveyances.** The owner or authorized agent of each operable conveyance not previously registered shall register the conveyance. An application to install a new conveyance shall constitute registration. All registrations shall be submitted to the commissioner on forms available from the division of labor services and shall include all information requested by the labor commissioner.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.3(89A) State identification number.** The commissioner shall assign an identification number to each conveyance that shall be stamped on a metal tag permanently attached to the controller, to the electrical disconnecting switch, or in a wind tower lift cage.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.4(89A) Responsibility for obtaining permits.** The procuring of all permits and the payment of all fees required by this chapter shall be the responsibility of the owner. Failure to obtain the appropriate permit prior to installation, alteration or operation may, at the discretion of the labor commissioner, result in a referral to the attorney general for prosecution of criminal penalties as described in Iowa Code section 89A.17.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.5(89A) Installation permits.**

**71.5(1)** Installation shall not begin until an installation permit has been issued by the division. A separate installation permit shall be issued for each conveyance, except that a single installation permit shall cover all identical wind tower lifts installed as the result of one construction contract in identical wind towers in a single wind farm.

**71.5(2)** Application for an installation permit shall be accompanied by the fee specified in rule 875—71.16(89A), shall be in the format required by the labor commissioner, and shall include the following, as applicable:

- a. Sectional plan of car and hoistway.
- b. Sectional plan of machine room.
- c. Sectional elevation of hoistway and machine room including the pit, bottom and top clearance of car and counterweights.
- d. Size and weight of rails and guide rail bracket spacing.
- e. The estimated maximum vertical forces on the guide rails on application of the safety device.
- f. In the case of freight elevators for class B or class C loading, the horizontal forces on the guide rail faces during loading and unloading and the estimated maximum horizontal forces in a post-wise direction on the guide rail faces on the application of the safety device.
- g. The size and weight per foot of any rail reinforcements where rail reinforcements are provided.
- h. Job specifications.
- i. For a conveyance covered by ASME A17.7, a complete copy of the CCD with attachments and a complete copy of the Certificate of Conformance with attachments as described by ASME A17.7, Appendix I, Section 4.5.
- j. For a CPH, the number of CPH jumps planned, the planned dates for each CPH jump, and the change in the number of floors anticipated with each CPH jump.

**71.5(3)** A CPH installation permit issued in response to an application submitted in full compliance with this subrule permits each planned CPH jump. Each CPH jump shall be considered an alteration. The fee submitted for a CPH installation permit shall be the total of the CPH installation permit fee as set forth in subrule 71.16(3) and the CPH alteration permit fee as set forth in subrule 71.16(4).

**71.5(4)** Issuance of an installation permit shall not be construed as a waiver or variance of any requirement of law.

**71.5(5)** The installation permit or a copy of the installation permit shall be conspicuously posted at the worksite. All the wind towers covered by a single installation permit shall be considered a single worksite, and posting one copy of the installation permit at the construction project office shall be sufficient compliance with this subrule.

**71.5(6)** Except as described in paragraphs 71.5(6) “a” and “b,” the installation permit shall expire upon the earlier of the completion of the installation as described in the permit application or one year after issuance.

- a. For a CPH, the installation permit shall expire upon completion of the last CPH jump.
- b. For any conveyance, during the tenth month after issuance, and upon submission to the labor commissioner of sufficient justification, the fee established by this chapter, and other required information, an extension may be granted at the discretion of the labor commissioner.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 9221B, IAB 11/17/10, effective 12/22/10]

**875—71.6(89A) Construction permits.** A construction permit authorizes the temporary, limited use of an elevator for purposes relating to construction or demolition.

**71.6(1)** Use of the elevator shall not begin until a construction permit has been issued by the division.

**71.6(2)** Application for a construction permit shall be in the format required by the labor commissioner and must include all the information requested by the labor commissioner and the fee specified by this chapter.

**71.6(3)** Upon submission of the completed application and fee, a state inspector shall be scheduled to inspect the elevator. Construction permits shall be issued only if the following criteria are met:

*a.* The elevator has been successfully tested pursuant to the requirements of ASME A17.1, Section 8.11.5.13; and

*b.* The applicable requirements of ASME A17.1, Section 5.10, are met.

**71.6(4)** The construction permit or a copy of the construction permit shall be posted conspicuously in a protective sleeve in the elevator car.

**71.6(5)** The construction permit shall expire 120 days after issuance. However, between 90 and 110 days after issuance and upon submission to the labor commissioner of sufficient justification, the fee established by this chapter, and other required information, an extension of up to 90 days may be granted at the discretion of the labor commissioner.

**71.6(6)** Elevators with a construction permit but without an operating permit shall not be accessible to the general public.

**71.6(7)** Failure to comply with these provisions may result in the revocation of the construction permit.

**71.6(8)** An operating permit shall not be issued before construction and an acceptance inspection are complete.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

### **875—71.7(89A) Operating permits.**

**71.7(1)** Operation of equipment covered by this chapter without a current operating permit is prohibited, except as authorized by rules 875—71.6(89A), 875—71.8(89A), and 875—71.20(89A). If operation of a conveyance is prohibited under this rule, the labor commissioner may post notice on the conveyance that it is not to be used. The conveyance may be returned to service only after an operating permit for the conveyance has been issued or reissued.

**71.7(2)** Operating permits shall not be issued prior to successful completion of an inspection pursuant to rule 875—71.11(89A) and payment of all permit and inspection fees owed to the division.

**71.7(3)** Current operating permits or copies of current operating permits shall be conspicuously displayed as follows:

*a.* The operating permit for an elevator or CPH shall be posted in the car.

*b.* The operating permit for an escalator, dumbwaiter, wind tower lift, moving walk, or wheelchair lift shall be posted on or near the subject conveyance.

**71.7(4)** An operating permit shall expire 60 days after the first permit renewal inspection following the issuance of the operating permit, unless an earlier date is dictated by this rule.

**71.7(5)** An operating permit is automatically suspended when an alteration begins. The operating permit automatically resumes when the elevator passes an inspection pursuant to rule 875—71.11(89A).

**71.7(6)** An operating permit is automatically terminated when an imminent danger notice is posted on the conveyance.

**71.7(7)** Notwithstanding other provisions of this rule, at the discretion of the labor commissioner, a temporary operating permit may be issued for up to 30 days provided the inspection has been completed and no code violations were identified. Issuance of a temporary operating permit does not extend the expiration date of the conveyance's operating permit.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 0318C, IAB 9/5/12, effective 10/10/12; ARC 0574C, IAB 2/6/13, effective 3/13/13; ARC 0685C, IAB 4/17/13, effective 5/22/13]

**875—71.8(89A) Controller upgrade permits.** A controller upgrade permit may be issued to allow operation of an elevator while work to upgrade controls requires deactivation of the Phase I recall initiated by smoke sensing devices. Each elevator to be altered requires a separate controller upgrade permit. The duration of a controller upgrade permit shall not exceed 90 days. Each elevator in the group shall pass inspection pursuant to rule 875—71.11(89A) prior to being placed back into service.

**71.8(1)** A controller upgrade permit shall not be issued unless each of the following conditions is met:

*a.* Two or more elevators share a lobby at the level of the recall floor.

*b.* The project includes the installation of new elevator controllers in all of the elevators in the group.

c. Phase I fire recall initiated by a key-operated switch and all other controls shall be properly functioning for each elevator available for use.

d. There is a current alteration permit for the project.

e. A complete application for the controller upgrade permit and the fee established by this chapter have been submitted and accepted.

**71.8(2)** A controller upgrade permit shall not be construed to waive or excuse compliance with the requirements of any other governmental entity, including the department of public safety.

**71.8(3)** Upon the submission to the labor commissioner of sufficient justification, the fee established by this chapter, and other required information, an extension of the permit for up to 60 days may be granted.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

### **875—71.9(89A) Alteration permits.**

**71.9(1)** Alteration shall not begin until an alteration permit has been issued by the division.

**71.9(2)** Application for an alteration permit shall be in the format required by the labor commissioner and shall include drawings and specifications of all planned changes and the fee specified by rule 875—71.16(89A).

**71.9(3)** Issuance of an alteration permit shall not be construed as a waiver or variance of any requirement of law.

**71.9(4)** The alteration permit or a copy of the alteration permit shall be conspicuously posted at the worksite.

**71.9(5)** If a complete installation permit application was submitted for a CPH pursuant to subrule 71.5(3), at least seven days' advance notice of each CPH jump shall be provided to the labor commissioner.

**71.9(6)** The alteration permit shall expire upon the earlier of the completion of the alteration as described in the permit application or 120 days after issuance. However, between 90 and 110 days after issuance and upon submission to the labor commissioner of sufficient justification and other required information, an extension of the alteration permit may be granted at the discretion of the labor commissioner.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 9221B, IAB 11/17/10, effective 12/22/10; ARC 0685C, IAB 4/17/13, effective 5/22/13]

### **875—71.10(89A) Alterations.**

**71.10(1)** Alterations or changes shall comply with rule 875—72.13(89A) or rule 875—73.8(89A), as applicable.

**71.10(2)** A conveyance that is relocated shall be brought into compliance with all codes that are applicable at the time of relocation.

**71.10(3)** With the exception of replacing brushes on or adding brushes to escalators, all alterations of conveyances other than elevators shall require that the entire conveyance be brought into compliance with the current code.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 0168C, IAB 6/13/12, effective 7/18/12; ARC 0685C, IAB 4/17/13, effective 5/22/13]

**875—71.11(89A) Inspections.** Pursuant to Iowa Code section 89A.12, inspections by the labor commissioner's designee shall be permitted at reasonable times with or without prior notice.

**71.11(1) Scope of inspections.**

a. *Comprehensive.* Periodic inspections shall be comprehensive. Elevators being transferred from construction permits to operating permits, previously dormant conveyances being returned to service, relocated conveyances, and new conveyances shall be inspected in their entirety prior to operation.

b. *Limited.* The scope of an inspection after an alteration shall be determined by rule 875—72.13(89A) or 875—73.8(89A), as applicable. However, if the inspector notices a safety hazard in plain view outside the altered components, or if the periodic inspection is due, the entire conveyance shall be inspected.

**71.11(2) *When inspections will occur.*** When the timing of two different types of inspection on a single conveyance coincide, a state inspector may perform both inspections in one visit.

*a. Periodic inspections.*

(1) Each CPH shall be inspected at intervals not to exceed three months. All other periodic conveyance inspections by state inspectors shall be conducted annually unless the labor commissioner determines resources do not allow annual inspections. If the labor commissioner determines quarterly inspections of CPHs and annual inspections of other state-inspected conveyances are not feasible due to insufficient resources, the labor commissioner shall determine the inspection schedule.

(2) Conveyance inspections by special inspectors shall be conducted at least annually.

*b. Acceptance inspections.* A CPH shall be inspected pursuant to the schedule in ANSI A10.4 – 2007, Chapter 26. For all other conveyances, an acceptance inspection shall occur:

(1) After each relocation,

(2) After each alteration,

(3) For a new installation, not less than two business days after a completed acceptance checklist is submitted by the conveyance installation company,

(4) Before an elevator subject to a construction permit receives an operating permit, and

(5) Before a previously dormant conveyance is returned to service.

*c. Other inspections.* Inspections may be made when the commissioner reasonably believes that a conveyance is not in compliance with the rules. Accidents, complaints, or requests for consultative inspections may result in inspections by the labor commissioner's designee.

**71.11(3) *Who may perform inspections.***

*a.* The labor commissioner's designee shall inspect altered conveyances, CPHs, previously dormant conveyances being returned to service, wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A), relocated conveyances, and new conveyances.

*b.* Except as noted in 71.11(3)“c,” annual inspections may be performed by state inspectors or special inspectors authorized by the labor commissioner pursuant to rule 875—71.12(89A).

*c.* An inspection report by a special inspector shall not be accepted as the required, annual inspection if the conveyance is under contract for maintenance, installation or alteration by the special inspector or the special inspector's employer, or if the property is owned or leased by the special inspector or the special inspector's employer.

**71.11(4) *Inspection standards.*** Inspections shall be performed in accordance with applicable safety codes or documents such as:

*a.* CCD;

*b.* ASME A17.1, Sections 8.10 and 8.11, except Section 8.11.1.1;

*c.* ANSI A10.4-2007;

*d.* Rule 875—72.12(89A) for wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A); or

*e.* ASME A18.1.

**71.11(5) *Inspection reports.***

*a.* All inspectors shall file inspection reports on forms approved by the commissioner within 30 days from the date of inspection and shall provide owners of conveyances with copies of completed inspection reports. The inspection report must separately list each unsafe condition and the applicable, specific code citation. Up to 30 days shall be allowed for correction of the unsafe conditions.

*b.* The owner may file a petition for reconsideration of an inspection report pursuant to 875—Chapter 69. The timely and proper filing of a petition for reconsideration extends the deadline for correction of the hazards that are subject to the petition for reconsideration.

**71.11(6) *Extension of time.*** The owner may petition the commissioner for up to 60 additional days to make the necessary corrections. The time frames set forth in subrule 71.11(7) may be adjusted by the labor commissioner as necessary to accommodate an extension of time.

**71.11(7) *Correction of unsafe conditions.*** In the absence of a determination on reconsideration or appeal that correction of hazards is not required, all unsafe conditions identified in the inspection report shall be corrected. The labor commissioner shall verify correction of all unsafe conditions identified

in the inspection report by sending a state inspector to reinspect the conveyance for the fee set forth in rule 875—71.16(89A), or by reviewing appropriate documentation such as a photograph, invoice, other verifiable document, or subsequent inspection report. The time frames set forth in this subrule may be accelerated at the request of the owner.

*a.* Promptly upon receipt of an inspection report listing unsafe conditions, the labor commissioner will send to the owner and the special inspector, if any, an abatement order. A copy of the inspection report shall be attached to the abatement order. Unless a special inspector conducted the inspection, the order may specify a period that ends no more than 45 days after the inspection during which the owner may submit written evidence that the unsafe conditions have been corrected. The abatement order shall:

- (1) Identify the equipment.
- (2) Demand that the unsafe conditions be corrected within the period set forth in the inspection report.
- (3) Set forth the consequences of failure to comply.

*b.* After the period specified on the inspection report has passed, the labor commissioner may cause a state inspector to verify correction of all unsafe conditions. If reinspection reveals no significant progress toward correcting the unsafe conditions, or the remaining unsafe conditions create significant safety concerns, the labor commissioner may serve a notice of intent to suspend, deny or revoke the operating permit.

*c.* The labor commissioner may issue an operating permit after receipt of the appropriate fee and verification that each unsafe condition identified in the inspection report has been corrected.

*d.* If written proof of correction was requested in the abatement order, but adequate proof was not received by the deadline set forth in the abatement order, the labor commissioner may send a second abatement order or cause a state inspector to inspect the conveyance. If the labor commissioner elects to send a second abatement order, it shall notify the owner that, if written proof of abatement is not received within 20 days, a state inspector may be sent to the site. Copies of the abatement order and the inspection report shall be attached to the second abatement order.

*e.* If a special inspector conducted the inspection, more than 45 days have passed since the deadline for correction of hazards, and an inspection report indicating the hazards are corrected has not been filed, the labor commissioner may contact the special inspector, send a second abatement order to the owner, or send a state inspector to inspect the conveyance. Copies of the abatement order and the inspection report shall be attached to a second abatement order.

*f.* If an inspection as described in paragraph 71.11(7) “*d*” or “*e*” reveals no significant progress toward correcting the unsafe conditions, and the remaining unsafe conditions create no significant safety concerns, the labor commissioner may extend the time for abatement of the unsafe conditions an additional 10 days or may serve a notice of intent to suspend, deny or revoke the operating permit. The labor commissioner may also post a notice prohibiting use of the conveyance pending abatement of the unsafe conditions listed in the inspection report.

*g.* Procedures for appeal of a notice of intent to suspend, deny or revoke an operating permit are set forth in 875—Chapter 69.

**71.11(8) *Imminent danger.*** If the labor commissioner determines that continued operation of a conveyance pending correction of unsafe conditions creates an imminent danger, the labor commissioner shall post notice on the conveyance that it is not to be used pending repairs. Use of a conveyance contrary to posted notice by the labor commissioner may result in additional legal proceedings pursuant to Iowa Code section 89A.10(3) or 89A.18. The conveyance may be returned to service only after the imminent danger has been corrected and the conveyance has passed a comprehensive inspection.

**71.11(9) *Interference prohibited.*** No person shall interfere with, delay or impede an inspector employed by the state during an inspection.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 9221B, IAB 11/17/10, effective 12/22/10; ARC 0168C, IAB 6/13/12, effective 7/18/12; ARC 0685C, IAB 4/17/13, effective 5/22/13]

**875—71.12(89A,252J,261,272D) Special inspector commissions.**

**71.12(1) *Definition.*** As used in this rule, “certificate of noncompliance” means:

- a. A certificate of noncompliance issued by the child support recovery unit, department of human services, pursuant to Iowa Code chapter 252J;
- b. A certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code chapter 261; or
- c. A certificate of noncompliance issued by the centralized collection unit of the department of revenue pursuant to Iowa Code chapter 272D.

**71.12(2) Qualifications.**

- a. Each applicant must possess a high school diploma or general equivalency degree.
- b. Each applicant shall have at least three years of full-time work experience in the construction, installation, repair or inspection of conveyances.
- c. Each applicant shall be a CEI.
- d. Each applicant shall satisfactorily pass a division of labor services examination on Iowa procedures, Iowa policies, and all safety standards adopted by reference.
- e. Each applicant shall submit proof of insurance coverage insuring the applicant against liability for injury or death for any act or omission on the part of the applicant. The insurance policy shall be in an amount of not less than \$1,000,000 for bodily injury to or death of one person in any one accident, and in an amount of not less than \$5,000,000 for bodily injury to or death of two or more persons in any one accident, and in an amount of not less than \$100,000 for damage to or destruction of property in any one accident. The insurance coverage of the special inspector's employer shall be considered to comply with this requirement if the coverage provides equivalent coverage for each special inspector.

**71.12(3) Application.** An applicant for a commission shall complete, sign, and submit to the division the form provided by the division with the required fee. The applicant shall include with the application proof that the applicant is a CEI.

**71.12(4) Expiration.** The commission expires when the commission is suspended or revoked by the labor commissioner or one year from issuance, whichever occurs earlier.

**71.12(5) Changes.** The special inspector shall notify the division at the time any of the information on the form or attachments changes.

**71.12(6) Denials.** The labor commissioner may refuse to issue or renew a special inspector's commission for failure of the applicant to complete an application package, if the applicant is not a CEI, or for any reason listed in subrules 71.12(8) to 71.12(10).

**71.12(7) Investigations.** The labor commissioner may investigate for any reasonable cause related to special inspectors or special inspector applicants. The labor commissioner may conduct interviews and utilize other reasonable investigatory techniques. Investigations may be conducted without prior notice at the times and in the places the labor commissioner directs. The labor commissioner may notify the organization that certified the special inspector as a CEI of the findings of an investigation.

**71.12(8) Reasons for probation.** The labor commissioner may issue a notice of commission probation when an investigation reasonably reveals that the special inspector filed inaccurate reports.

**71.12(9) Reasons for suspension.** The labor commissioner may issue a notice of commission suspension when an investigation reasonably reveals any of the following:

- a. The special inspector failed to submit and report inspections on a timely basis;
- b. The special inspector abused the special inspector's authority;
- c. The special inspector misrepresented self as a state inspector or a state employee;
- d. The special inspector used commission authority for inappropriate personal gain;
- e. The special inspector failed to follow the division's rules for inspection of object repairs, alterations, construction, installation, or in-service inspection;
- f. The special inspector committed numerous violations as described in subrule 71.12(8);
- g. The special inspector used fraud or deception to obtain or retain, or to attempt to obtain or retain, a special inspector commission whether for one's self or another;
- h. The special inspector is no longer a CEI;
- i. The division received a certificate of noncompliance; or
- j. The special inspector failed to take appropriate disciplinary actions against a subordinate special inspector who has committed repeated acts or omissions listed in paragraphs 71.12(9) "a" to "h."

**71.12(10) Reasons for revocation.** The labor commissioner may issue a notice of revocation of a special inspector's commission when an investigation reveals any of the following:

- a. The special inspector filed a misleading, false or fraudulent report;
- b. The special inspector failed to perform a required inspection;
- c. The special inspector failed to file a report or filed a report which was not in accordance with the provisions of applicable standards;
- d. The special inspector committed repeated violations as described in subrule 71.12(9);
- e. The special inspector used fraud or deception to obtain or retain, or to attempt to obtain or retain, a special inspector commission whether for one's self or another;
- f. The special inspector instructed, ordered, or otherwise encouraged a subordinate special inspector to perform the acts or omissions listed in paragraphs 71.12(10) "a" to "e";
- g. The special inspector is no longer a CEI; or
- h. The division received a certificate of noncompliance.

**71.12(11) Procedures.** The following procedures shall apply except in the event of revocation or suspension due to receipt of a certificate of noncompliance. In instances involving receipt of a certificate of noncompliance, the applicable procedures of Iowa Code chapter 252J, 261, or 272D shall apply.

a. *Notice of actions.* The labor commissioner shall serve a notice on the special inspector by certified mail to an address listed on the commission application form or by other service as permitted by Iowa Code chapter 17A.

b. *Contested cases.* The special inspector shall have 20 days to file a written notice of contest with the labor commissioner. If the special inspector does not file a written contest within 20 days of receipt of the notice, the action stated in the notice shall automatically be effective.

c. *Hearing procedures.* The hearing procedures in 875—Chapter 1 shall govern.

d. *Emergency suspension.* Pursuant to Iowa Code section 17A.18A, if the labor commissioner finds that the public health, safety or welfare imperatively requires emergency action because a special inspector failed to comply with applicable laws or rules, the special inspector's commission may be summarily suspended.

e. *Probation period.* A special inspector may be placed on probation for a period not to exceed one year for each incident causing probation.

f. *Suspension period.* A special inspector's commission may be suspended up to five years for each incident causing a suspension.

g. *Revocation period.* A special inspector's commission that has been revoked shall not be reinstated for five years.

h. *Concurrent actions.* Multiple actions may proceed at the same time against any special inspector.

i. *Revoked or suspended commissions.* Within five business days of final agency action revoking or suspending a special inspector commission, the special inspector shall surrender the special inspector's commission card to the labor commissioner. The labor commissioner may notify the special inspector's employer and the organization that certified the special inspector as a CEI of a revocation or suspension. [ARC 7841B, IAB 6/17/09, effective 7/22/09]

**875—71.13(89A) State employees.** ASME A17.1, Rule 8.11.1.1, shall not apply to inspectors who were hired before January 2005 and are state employees. [ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.14(89A) Safety tests.** Only safety test reports submitted on approved forms from elevator mechanics who are employed by authorized companies shall be considered to meet the requirements of this rule.

**71.14(1) When safety tests will be performed.**

- a. Safety tests shall be performed on new and altered installations before they are placed in service.
- b. Safety tests shall be made on all conveyances pursuant to the schedules and procedures set forth in:

- (1) The maintenance control plan for wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A);
- (2) The CCD for conveyances covered by ASME A17.7-2007/CSA B44-07;
- (3) ASME A17.1-2010/CSA B44-07, Part 8, (except for Rule 8.11.1.1);
- (4) ASME A18.1(2003), Part 10; or
- (5) ANSI A10.4-2007, Section 26.4.

**71.14(2)** *How safety tests will be reported.* Within 30 days after completion of a safety test, the elevator mechanic shall file with the labor commissioner a report on an approved form and shall provide a copy of the form to the owner and to the witness, if applicable.

**71.14(3)** *How safety tests will be recorded.* The elevator mechanic shall attach a tag showing the date of the test, the elevator mechanic's name, and the type of test performed.

*a.* On electric traction elevators, the elevator mechanic shall attach the tag to the safety-releasing carrier.

*b.* On hydraulic elevators, the elevator mechanic shall attach the tag to the disconnecting switch or the controller.

*c.* On wheelchair lifts, the elevator mechanic shall attach the tag to the disconnecting switch.

*d.* On other conveyances covered by these rules, the commissioner's designee witnessing the acceptance safety test shall indicate the proper location of the tag. Subsequent test tags shall be attached in the same location.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 9221B, IAB 11/17/10, effective 12/22/10; ARC 0168C, IAB 6/13/12, effective 7/18/12]

**875—71.15(89A) Authorized companies.**

**71.15(1)** Each year, authorized companies shall train their elevator mechanics who perform safety tests on safety test procedures.

**71.15(2)** For each conveyance owned by an authorized company, the owner shall obtain the services of a CEI who is not employed by the authorized company or an inspector employed by the state to witness the safety test.

**71.15(3)** To become authorized to perform safety tests, a company shall submit a copy of its procedures for performing safety tests. The labor commissioner shall review the procedures for adequacy and shall request modifications to the procedures or grant or deny the authorization.

**71.15(4)** Every five years or within six months after the board adopts a new edition of ASME, whichever is earlier, authorized companies shall submit revised safety test procedures for renewal of authorization. The labor commissioner shall review the procedures for adequacy and shall request modifications to the procedures or grant or deny the authorization.

**71.15(5)** Investigations. Investigations shall take place at the times and in the places the labor commissioner directs. The labor commissioner may investigate for any reasonable cause. The labor commissioner may conduct interviews and utilize other reasonable investigatory techniques. Investigations may be conducted without prior notice.

**71.15(6)** Suspension. If the labor commissioner determines that a falsified safety test report was submitted by an elevator mechanic, the labor commissioner shall suspend the authorization of the elevator mechanic's employer for six months. During the suspension, all safety tests performed by any employee of the authorized company shall be witnessed by a state inspector or a CEI who is not employed by the suspended authorized company.

**71.15(7)** Suspension procedures.

*a.* The labor commissioner shall notify an authorized company of its suspension by certified mail or by other service as permitted by Iowa Code chapter 17A.

*b.* The authorized company shall have 20 days to file a written notice of contest with the labor commissioner. If the authorized company does not file a written notice of contest in a timely manner, the suspension shall automatically be effective. If the authorized company does file a written notice of contest in a timely manner, the hearing procedures in 875—Chapter 1 shall govern.

c. If the labor commissioner finds, pursuant to Iowa Code section 17A.18A, that public health, safety or welfare imperatively requires emergency action, the authorization may be summarily suspended.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.16(89A) Fees.** Except as noted below, all fees are nonrefundable and due in advance.

**71.16(1) *Operating permits.*** The annual operating permit fee shall be \$50 per conveyance.

**71.16(2) *Periodic inspections.*** Fees shall be remitted to the division of labor services within 30 days of the date of inspection. The fees for periodic inspections shall be as follows:

a. Elevators (except wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A), television tower elevators and hand-powered elevators): \$75.

b. Escalators: \$75.

c. Moving walks: \$75.

d. Dumbwaiters: \$60.

e. Hand-powered elevators: \$60.

f. Wheelchair lifts: \$60.

g. Television tower elevators: \$300.

h. Wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A): \$150.

i. CPHs.

(1) Annual: \$300.

(2) Quarterly: \$150.

**71.16(3) *Installation permits.*** The fees in this subrule cover the initial print review, installation permit, initial inspection and first-year operating permit. Each print revision submitted to the division shall be subject to an additional fee of \$50. The fees for new installations shall be as follows:

a. Elevators (except wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A)) and CPHs up to and including four landings: \$500.

b. Elevators (except wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A)) and CPHs with five or more landings: \$600.

c. Escalators: \$500.

d. Moving walks: \$500.

e. Dumbwaiters: \$350.

f. Wheelchair lifts: \$350.

g. Wind tower lifts exempted from ASME A17.1 by rule 875—72.12(89A): \$250 per lift.

**71.16(4) *Alteration permits.***

a. The fee for an elevator alteration permit shall be \$500 and shall cover the initial print review, alteration permit, and initial inspection.

b. The fee for each CPH extension shall be \$150. The total fee required for all planned CPH extensions shall be submitted with the installation permit application pursuant to subrule 71.5(3).

c. For all conveyances other than elevators, the fees for new installations shall apply to alterations.

**71.16(5) *Construction permits.*** The construction permit fee shall be \$100 per conveyance. This fee includes the fee for initial inspection.

**71.16(6) *Controller upgrade permits.*** The controller upgrade permit fee shall be \$200. This fee includes one inspection.

**71.16(7) *Consultative inspections.*** Consultative inspections may be performed at the discretion of the labor commissioner.

a. The consultative fee for each wind tower lift exempted from ASME A17.1 by rule 875—72.12(89A) shall be \$150.

b. The consultative fee for each CPH shall be \$300.

c. The consultative fee for each tower elevator shall be \$300.

d. The consultative fee for all other conveyances shall be \$100 per hour, including travel time, with a minimum charge of \$200.

**71.16(8) *Special inspector commission.*** The special inspector commission fee shall be \$60 annually.

**71.16(9) *Witnessing safety tests.*** The fee for division employees to witness safety tests shall be \$100 per hour, including travel time, with a minimum charge of \$200.

**71.16(10) *Permit extensions.*** The fee to extend an installation permit, alteration permit, or construction permit shall be \$50.

**71.16(11) *Inspections outside of normal business hours.*** Inspections outside the normal business hours may be performed at the discretion of the labor commissioner. If the owner or contractor requests an inspection outside of normal business hours and the labor commissioner agrees to the schedule, an additional fee will be charged. The additional fee will be calculated at a rate of \$100 per hour, including travel time, with a minimum charge of \$200.

**71.16(12) *Reinspections.*** The fees for reinspections are \$300 for television tower elevators and CPHs, \$150 for wind tower lifts, and \$200 for all other conveyances.

**71.16(13) *Inspection for temporary removal from service.*** The inspection fee for temporary removal from service pursuant to rule 875—71.20(89A) shall be \$100.

**71.16(14) *Fee waiver.*** When a state inspector combines in one visit two different types of inspection on a single conveyance, the commissioner may waive the lesser of the fees.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 9221B, IAB 11/17/10, effective 12/22/10; ARC 0318C, IAB 9/5/12, effective 10/10/12; ARC 0685C, IAB 4/17/13, effective 5/22/13]

**875—71.17(89A) Publications available for review.** Standards, codes, and publications adopted by reference in these rules are available for review in the office of the Division of Labor Services, 1000 E. Grand Avenue, Des Moines, Iowa 50319.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.18(89A) Other regulations affecting elevators.** Regulations concerning accessibility of buildings and conveyances available to the public are found at 661—Chapter 302. Regulations governing the safety and health of employees who work in and around elevators are found at 875—Chapters 2 to 26. Iowa Code chapter 91C and 875—Chapter 150 apply to companies that alter and install conveyances. No rule in 875—Chapters 71 to 73 shall be interpreted as creating an exemption, waiver, or variance from any otherwise applicable regulation or statute.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.19(89A) Accidents.**

**71.19(1) *Reporting the accident.*** The owner shall immediately notify the commissioner of each personal injury accident requiring the service of a physician or causing disability exceeding one day or causing damage to the conveyance exceeding \$2,000. Notification shall be in writing and shall include the state identification number, owner, and description of accident.

**71.19(2) *Securing the accident site pending investigation.*** The removal of any part of the damaged conveyance or operating mechanism from the premises is forbidden until permission to do so is granted by the commissioner.

**71.19(3) *Putting the conveyance back into operation.*** When an accident involves the failure or destruction of any part of the conveyance or its operating mechanism, the use of the conveyance is forbidden until it has been made safe, until it has been reinspected, and until any repairs or alterations have been approved by the commissioner.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—71.20(89A) Temporary removal from service.** The requirements for an annual inspection, annual inspection fee, safety test, operating permit, and operating permit fee shall be temporarily suspended for up to three years for an elevator in an unoccupied building if the requirements of this rule are met.

**71.20(1)** All elevator doors in unoccupied buildings shall be closed and locked. Hydraulic elevators shall be parked at the bottom of the hoistway. Traction elevators shall be parked at the top of the hoistway.

**71.20(2)** Upon request by the owner of an elevator in an unoccupied building, the labor commissioner shall send an inspector who is a state employee to confirm that the building is unoccupied and that the car and doors of the elevator have been properly secured. If the conditions set forth in

subrule 71.20(1) are met, the inspector shall apply to the elevator a seal and a red tag marked with the words “Do Not Operate.”

**71.20(3)** One year after the inspection, the owner must file with the labor commissioner written confirmation that the status of the elevator and building have not changed, and the owner must file again two years after the inspection. Failure to comply with this requirement shall result in termination of the temporary suspension of the requirements for safety tests, inspections, and operating permits.

**71.20(4)** Prior to returning the elevator to service, and upon request of the owner, the labor commissioner may allow the elevator to be operated for 30 days for the sole purpose of performing safety tests and maintenance.

**71.20(5)** The owner must notify the labor commissioner at least two weeks before placing an elevator back into service and must arrange for an inspector who is a state employee to witness a safety test.

**71.20(6)** If at the end of three years the building is still unoccupied, suspension of the requirements for safety tests, inspections, and operating permits shall end without possibility of renewal.

[ARC 0318C, IAB 9/5/12, effective 10/10/12]

These rules are intended to implement Iowa Code chapters 89A, 252J, 261 and 272D.

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